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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 65th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-13541 (E)

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(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT (continued)

The meeting was called to order at 10 15 a m

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued) (E/CN 4/2000/L 20 and L 97, E/CN 4/2000/2-E/CN 4/Sub 2/1999/54, chap I, draft decisions 3 and 4)

Draft decision on the Social Forum (Draft decision 3 recommended by the Sub-Commission)

1 Ms GLOVER (United Kingdom) said that, following consultations with all regional groups, she wished to propose an amendment to the draft decision The words "endorses the holding event" should be replaced by the following

> "and recalling its resolution 1999/53 of 27 April 1999, decides that the Sub-Commission should further review during its fifty-second session, in the light of the developments in the work of the Sub-Commission, its proposal to hold a forum on economic, social and cultural rights "

The proposed amendment reflected recent developments pertaining to the Sub-Commission's work

2 The United Kingdom amendment was adopted

3 Mr ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that the costs of holding a Social Forum during the fifty-second session of the Sub-Commission were estimated at US$ 18,000 No provisions had been included in the Programme Budget for the current biennium 2000-2001

4 The draft decision, as amended, was adopted

Draft decision on the right to adequate food and to be free from hunger (Draft decision 4 recommended by the Sub-Commission)

5 Mr FERNANDEZ PALACIOS (Cuba) said that, as a result of the adoption of the resolution on the right to food (E/CN 4/2000/L 19), the draft decision had become superfluous He proposed that no action should be taken on it

6 It was so decided

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN 4/L 62, L 69 and L 94)

Draft resolution on the question of draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (E/CN 4/2000/L 62)

7 Mr ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications

8 The draft resolution was adopted

Draft resolution on the abduction of children from northern Uganda (E/CN.4/2000/L.69)

9. Mr. ACEMAH (Observer for Uganda), introducing the draft resolution on behalf of its sponsors, said that it recognized that progress had been made but also that much remained to be done. In that connection, the text of paragraph 11 should be revised to read:

> "Requests the Office of the United Nations High Commissioner for Human Rights to undertake an assessment of the situation on the ground in the affected areas, including the needs of the victims, in full consultation with the relevant United Nations organizations and non-governmental organizations, and report to the Commission at its fifty-seventh session,"

10. He hoped that the adoption by consensus of the resolution would send a powerful message to those who had violated the human rights of children in Uganda.

11. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of the United States of America had become a sponsor of the draft resolution.

12. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that the costs of the activities envisaged under the draft resolution were estimated at US$ 37,400. No provisions were included in the Programme Budget for the current biennium 2000-2001, but costs of US$ 15,000 would be absorbed within existing resources.

13. Mr. SIDDIG (Sudan) said that the deplorable phenomenon of the abduction of children was linked with the armed conflict in his country. It could end if certain countries demonstrated the political will to stop supporting the rebel movement.

14. Under an agreement between the Sudan and Uganda, signed in December 1999, Uganda had returned 70 Sudanese prisoners, while the Sudan had negotiated the return of 147 women and children held by the Lord's Resistance Army. The Sudan itself was a victim: the Sudanese People's Liberation Army had abducted over 20,000 boys aged between 8 and 15 from the southern Sudan for military training abroad. The situation had been the subject of several General Assembly resolutions and publications issued by the United Nations Children's Fund (UNICEF).

15. He was grateful to the Ugandan delegation for accommodating his own delegation's suggestions. The draft resolution was a balanced document, which he was able to accept.

16. Mrs. PÉREZ DUARTE Y NOROÑA (Mexico), speaking in explanation of position, said that, deplorable though the practice of abduction was, the draft resolution should not have been brought under agenda item 13, which concerned the rights of the child in general, but under agenda item 9, which related to national situations. In the event of a vote, therefore, her delegation would be obliged to abstain.

17. The draft resolution, as orally revised, was adopted.

PROMOTION AND PROTECTION OF HUMAN RIGHTS

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT (agenda item 17) (continued)

(E/CN 4/2000/L 37, L 75, L 76/Rev 1, L 78, L 80, L 81, L 83, L 84, L 85/Rev 1, L 86, L 87, L 95 and L 103; E/CN 4/2000/2-E/CN 4/Sub 2/1999/54, chap I, draft decision 8)

Draft resolution on human rights defenders (E/CN 4/2000/L 37)

18 Mr BENJELLOUN-TOUIMI (Morocco), introducing the draft resolution on behalf of its sponsors, said that its main purpose was to establish a mechanism to implement the landmark decision by the General Assembly in 1998 to adopt the Declaration on human rights defenders The Commission's existing mechanisms had neither the mandate nor the resources to give the issue the attention it required The proposal was that the Secretary-General should appoint a special representative on the situation of human rights defenders, since that was a model which emphasized cooperation and dialogue with Governments and facilitated cooperation with other agencies of the United Nations system

19 There were two minor changes to be made to the text in paragraph 3, the phrase "in full compliance with the Declaration" should be inserted after the word "protection" In paragraph 4, the word "requested" should be replaced by the words "in the fulfilment of his/her mandate, upon request" He hoped that the draft resolution would be adopted without a vote

20 Mrs IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Bangladesh, Liberia, Mauritius, Nepal, Niger, Sri Lanka, Tunisia and Venezuela and the observers for Albania, Armenia, Belarus, Cyprus, Malta, Paraguay, San Marino, Thailand, Turkey and Uruguay had become sponsors of the draft resolution

21 Mr ALFONSO MARTÍNEZ (Cuba) said that his delegation saw no need for a new mechanism It would be perfectly possible to strengthen the existing mechanisms of the Sub-Commission, such as its working groups or special rapporteurs Alternatively, the guidelines from the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission could be followed Indeed, the report of the Secretary-General (E/CN 4/2000/95, para 23) specifically stated that care should be taken to ensure the new mandate did not overlap with already existing ones In that connection, he was disappointed that the report made no mention of substantive statements by his Government

22 The guise of "human rights defender" was often assumed by those who were bent on subversion In Cuba, the United States subcontracted so-called human rights defenders to channel extensive funding to subversives He could give chapter and verse for his claim Nor

did he care for the term "defender": those working for the environment, for instance, or development in developing countries were not called "defenders" of their areas of activity.

23. A new mechanism would undoubtedly duplicate existing ones. That being so, his delegation would wish to have a separate vote on paragraph 3 of the draft resolution.

24. Mr. WILLE (Norway) said that adoption of the draft resolution would help promote full and effective implementation of the Declaration by providing a tool for focused follow-up within the Commission. The representative of Morocco had convincingly argued the need for a separate mechanism to address appropriately the challenges faced by human rights defenders; that need had also been pointed out by many special rapporteurs.

25. Ms. JANJUA (Pakistan) said that her delegation supported the draft resolution, in particular the earliest possible appointment of a special representative of the Secretary-General. The Commission should generally abide by the criteria established by the working group on enhancing the effectiveness of the mechanisms of the commission. However, on an exceptional basis, it should establish the proposed follow-up mechanism in view of the continued repression, harassment and brutal killings of human rights defenders in various parts of the world.

26. Mr. SOMOL (Czech Republic), speaking on behalf of the representatives of Latvia and Poland and the observers for Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and the former Yugoslav Republic of Macedonia, joined with previous speakers in expressing support for the draft resolution. Human rights defenders continued to face serious difficulties in many countries and deserved special international attention. The appointment of a special representative of the Secretary-General would provide the appropriate tool.

27. The delegations on whose behalf he spoke all understood the long and bitter experience of human rights defenders opposing communist regimes, as well as the vital importance of international support and solidarity for their activities. Those delegations were determined to support human rights defenders elsewhere in the world. The new mechanism being proposed would provide human rights defenders in many countries with more security.

28. Mrs. KWIECINSKI (Office of the High Commissioner), outlining the financial implications, said that the activities envisaged under the draft resolution would consist of three trips to Geneva per year, one trip to New York and two field missions. The estimated costs for the new mandate were US$ 49,200 per year under section 22, Human Rights, and US$ 15,600 under section 2, Conference Services, of the Programme Budget. No provisions had been included in the Programme Budget for the current biennium 2000-2001. The potential for absorption as well as any net additional resources required would be included in the final Programme Budget implications statement to be submitted to the Economic and Social Council at its forthcoming session in the context of its review of the report of the Commission on its fifty-sixth session. Relevant provisions for 2002-2003 would be included in the proposed Programme Budget for that biennium. Conference costs would be covered from within existing resources for the current biennium and would be included in the proposed Programme Budget for the biennium 2002-2003.

29. Mr. ALFONSO MARTÍNEZ (Cuba), speaking in explanation of vote before the voting, said that his delegation recognized the importance of protecting persecuted individuals and groups throughout the world. However, certain groups purporting to be "human rights defenders" were actually engaged in internal political opposition. The defence of human rights was also used as a guise for activities of the kind practised by a certain major Power, which amounted to interference in the internal affairs of Cuba.

30. He drew the Commission's attention in that connection to the declaration submitted by 26 Member States on the occasion of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/53/679).

31. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, said that the time was ripe for the establishment of the proposed special mechanism. Human rights defenders did work of the utmost importance all over the world, often risking their own security and human rights in the process. Moreover, existing special rapporteurs had indicated that the issue exceeded the scope of their own mandates and that a separate mechanism was necessary. The Union would thus vote in favour of the draft resolution and would oppose any deletion of paragraph 3.

32. At the request of the representative of Cuba, a vote was taken by roll-call on the retention of paragraph 3 of the draft resolution.

33. The Philippines, having been drawn by lot by the Chairman, was called upon to vote first.

In favour	Argentina, Bangladesh, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Senegal, Spain, Sri Lanka, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia
Against	Cuba
Abstaining	Bhutan, China, Congo, Philippines, Qatar, Russian Federation, Rwanda, Sudan

34. Paragraph 3 of the draft resolution was retained by 44 votes to 1, with 8 abstentions.

35. At the request of the representative of Morocco, a vote was taken by roll-call on the draft resolution.

36. Morocco, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Congo, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: None.

Abstaining: China, Cuba, Rwanda.

37. The draft resolution was adopted by 50 votes to 0, with 3 abstentions.

Draft decision on reservations to human rights treaties (E/CN.4/2000/L.75)

38. Ms. GLOVER (United Kingdom), introducing the draft resolution, stressed that, in order to avoid duplication, the proposed study would "take into account previous and ongoing work done by various international bodies", particularly the International Law Commission. Having consulted all the regional groups, her delegation trusted that the draft decision could be adopted by consensus.

39. Mr. VOTO-BERNALES (Peru), supported by Mr. RODRIGUEZ CEDEÑO (Venezuela), said that it would appear that the draft decision would duplicate the work being done by the International Law Commission and thus be contrary to criteria agreed upon within the framework of enhancing the effectiveness of the mechanisms of the Commission on Human Rights.

40. Mr. FERNANDEZ PALACIOS (Cuba), having endorsed the comments by the two previous speakers, said that his delegation was concerned lest the proposed study should contradict the work being carried out by Mr. Pellet, the Special Rapporteur of the International Law Commission on reservations to treaties. That Commission was the competent body to deal with issues under the Vienna Convention on the Law of Treaties, which covered all categories of treaty, including human rights instruments.

41. Mr. SANDOVAL BERNAL (Colombia) said that his delegation shared the previous speakers' doubts as to the viability of the draft decision. It would be most unwise to initiate a study in parallel to that being carried out by Mr. Pellet. Moreover, under article 13 of the Charter of the United Nations, it was the General Assembly which was responsible for initiating studies in the field of international law and its codification.

42. Ms. GLOVER (United Kingdom) said that her delegation's intention was not to duplicate but to complement other work; specific language had been included in the draft decision to that effect. Most studies to date had examined reservations to human rights treaties either under the

general issue of reservations to treaties or from the standpoint of one particular treaty body A substantive examination of the reservations to the various human rights treaties was currently lacking

43 Mr ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications said that, under the terms of the draft decision, the Commission would recommend that the Economic and Social Council decide to appoint a new special rapporteur at an estimated cost of US$ 13,100 No provisions were included in the Programme Budget for the current biennium 2000-2001 to cover those activities The potential for absorption as well as any additional resources required would be included in the final Programme Budget implications statement to be submitted to the Economic and Social Council at its forthcoming session in the context of its review of the report of the Commission on its fifty-sixth session

44 Ms JANJUA (Pakistan) said that there was clearly a large area of disagreement regarding the draft decision, and requested that its further consideration be deferred to allow time to reach an agreement

45 Ms GLOVER (United Kingdom) said that there had already been sufficient consideration of the draft decision and nothing would be achieved by further delay

46 Mr FERNANDEZ PALACIOS (Cuba) said that the draft decision was far from being the subject of consensus, and nothing that had been said had dispelled his delegation's doubts regarding it There could not be double standards the draft decision did duplicate the work of the working group on enhancing the effectiveness of the Commission's mechanisms and did give rise to a very serious conceptual problem of law He could not understand the obstinacy in pushing for a decision by a vote, which was neither appropriate nor useful

47 Ms GLOVER (United Kingdom) said that the draft decision had been circulated at the beginning of April with a request for comments by the middle of the month No comments had been received, and for that reason her delegation considered that sufficient time had been given for consideration However, it was prepared to delay action on the draft decision until the next meeting

48 Ms JANJUA (Pakistan) said that the point had repeatedly been made that the flurry of papers generated by the Commission's session was immense, her delegation had had the opportunity to look at the draft decision for the first time a few minutes previously

49 The CHAIRMAN said he took it that the Commission wished to defer consideration of the draft decision until its next meeting

50 It was so decided

Draft resolution on promotion of the right to a democratic and equitable international order (E/CN 4/2000/L 76/Rev 1)

51 Mr REYES RODRIGUEZ (Cuba), introducing the revised draft resolution on behalf of its sponsors, said that they considered that promotion of the right to a democratic and equitable

international order was one of the fundamental priorities of international cooperation in the context of human rights, especially in an environment of globalization and interdependence. The wording of the draft resolution had basically been taken from the body of existing international human rights instruments and declarations, although other elements had been used which corresponded to the progressive development of international human rights law.

52. The underlying thinking was that, with globalization, the enjoyment and realization of human rights by everyone depended on international cooperation. Various views had been put forward during the consultations and not all delegations had been able to agree with all elements of the draft resolution, which had been reworked five times. Nevertheless, it contained elements that were fundamental for developing countries as well as for some developed countries, and it was the hope of the sponsors that it would meet with broad support.

53. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Botswana had become a sponsor of the draft resolution.

54. Mr. MUCH (Germany), speaking in explanation of vote before the voting, said that the draft resolution contained a compilation of quotations which alluded to rights that either did not exist at all or were not generally recognized. Most seriously, the draft resolution pretended to promote a right to a democratic international order without stating what a democratic international order actually was and without clearly stating who would hold such a right.

55. One way of defining a democratic international order would be to regard the international community as a community of democratic States ruled by Governments legitimated by periodic free and fair elections based on people's participation, guaranteeing full respect for human rights and fundamental freedoms, and accepting that, with regard to democratic conduct, each Government was accountable to an independent judiciary, international monitoring mechanisms and public opinion.

56. Another way of defining a democratic international order would be to demand that States should act one to another in a democratic way, which, inter alia, would imply accepting majority decisions and a State being held accountable for its own behaviour. Yet another way of defining a democratic international order would be to propose that all people of all countries should constitute one large assembly, in other words a direct democracy on a global scale.

57. All those serious questions, however, remained unresolved, including that of whether countries lacking democratic legitimacy or countries which had endemic racism would be excluded from the international system. It was not his delegation's view that the membership rules of the United Nations should be revised or that any country's possibilities of participating in international affairs should be limited, but they were questions which had to be clarified before a vote was taken on such a serious issue.

58. If the draft resolution was not withdrawn, his delegation would be obliged to vote against it.

59. Ms. GLOVER (United Kingdom) said that her delegation had raised a number of concerns with the main sponsor of the draft resolution during the consultation meeting. The text

of the draft resolution seemed to be focused on States' rights rather than on human rights. The Commission dealt with human rights, and not with the rights of States which were, and should be, dealt with in other forums of the United Nations system. Bringing extraneous issues into the Commission reduced its effectiveness in dealing with human rights issues and did a serious disservice to the development and spread of human rights.

60. Nowhere in the text of the draft resolution was the concept of a democratic and equitable international order defined and, in response to inquiries from her delegation, the main sponsors had been unable to define the term and, consequently, what the draft resolution was really about. On the one hand, they had argued that it was an international order made up of individuals, Governments, multinational corporations and non-governmental organizations (NGOs) meeting together to decide international policy. On the other hand, they had argued that it was an international order made up of democratically elected Governments. The issue needed to be clarified.

61. The text of the draft resolution was largely made up of selective quotations from agreed texts, misquotations of agreed language, quotations from texts that were not agreed language and often dated from the cold war, and new language which was not rooted in any agreed United Nations concepts. Her delegation found much of the language unclear, inaccurate and unacceptable.

62. The text seemed to seek to establish a range of new rights which were undefined and unclear. The main sponsors had been unable to explain, for example, what was meant by "the right to solidarity" or "the right of everyone to ownership of the common heritage of mankind". Such a mixture of new concepts was no way to take forward the development of human rights, and obscured, weakened and confused the clear existing human rights standards recognized by all.

63. At the consultation meeting, the main sponsors had promised further consultations at which such concerns would be addressed. Those consultations had not been held. The text was not ready for action by the Commission. There had been no time for proper consideration of the new and unclear ideas during the current session. She therefore urged the sponsors to withdraw the draft resolution and consider the concerns that had been raised. If they did not do so, her delegation would vote against it and would urge others to do likewise.

64. Mr. HARAGUCHI (Japan) said that the draft resolution contained a new concept, that of the right to a democratic and equitable international order. Unfortunately, the sponsors had not provided sufficient explanation as to what kind of right that was and who the subject of the right was. There was a reference in paragraph 3, subparagraph (f), to "all peoples and nations" being "entitled to international assistance". His delegation did not think that such a reference had ever been made in the universally agreed resolutions and instruments and believed, furthermore, that there was good reason why such a reference had not been made.

65. Subparagraphs (h), (i) and (j) of the same paragraph referred to the right of everyone to equal access to international public service, to a free, just, effective and balanced international information and communication order, and to cultural cooperation, promoting and protecting the variety and diversity of cultures around the world. In view of the fact that the protection and

promotion of human rights and fundamental freedoms was primarily the responsibility of Governments, it was essential that a very careful, in-depth study be made of the contents of those rights before they were endorsed.

66. It was regrettable that insufficient opportunity had been provided to discuss such important issues during the informal consultation. The draft resolution should have been examined more carefully and more fully before being tabled.

67. Mr. KOH (United States of America) said that it was his delegation's view that democracy connoted principles enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that were lacking in the draft resolution. Those principles had been clearly enumerated in the resolution on promotion of the right to democracy (1999/57) that had been adopted without a dissenting vote at the Commission's fifty-fifth session. The current draft resolution sought to achieve by procedure what could not be achieved by voting. Parts of it had already been subsumed into the resolution on promoting and consolidating democracy (E/CN.4/2000/L.45) adopted by the Commission the previous day; other parts had been voted down as amendments or were inconsistent with the Commission's resolution on the promotion of right to democracy.

68. The few provisions which remained were a collection of fragments which stated no coherent position on democracy that was not either redundant or superseded by the resolution adopted the previous day. The text recycled the rhetoric of the past regarding the international information and communications order and the international economic order that had no relevance in the contemporary world. The sponsors were in effect reintroducing old terms, conditions and unilateral demands that were relics of the cold war.

69. The Commission should not waste further time on the draft resolution, especially since it had just adopted an authoritative text on democracy without a dissenting vote. For those reasons, his delegation would vote against it.

70. Mr. HYNES (Canada) said he associated his delegation with some of the concerns and reservations expressed by previous speakers, particularly the representative of the United Kingdom. The concept of a democratic and equitable international order was a vision to which everyone might be able to subscribe in the abstract, but he did not see how the draft resolution could contribute in any concrete or constructive fashion to its achievement. He joined those who had appealed to the sponsors to withdraw the draft resolution.

71. Mr. REYES RODRÍGUEZ (Cuba) said his delegation had been most surprised by the arrogance and overbearing attitude of United States representative in refusing to take account of the initiatives of other delegations and trying to establish linkages and relationships that did not exist. The draft resolution had nothing to do with the resolution that had been adopted on the right to democracy. The Commission should consider it on its own merits.

72. It was worth remembering that, when the text of the Universal Declaration of Human Rights was being negotiated in 1948, some of the delegations which had just spoken had opposed the inclusion of the right of peoples to self-determination. It was regrettable that the draft resolution could not be adopted by consensus, but the time had come for peoples and

individuals throughout the world, including the poor and the marginalized, to be heard. Action should be taken on the draft resolution, which he hoped would receive broad support.

73. Mr. WILLE (Norway) associated his delegation with the concerns expressed by the representatives of the United Kingdom, Japan, the United States of America and Canada, and said that it would vote against the draft resolution.

74. Mr. PADILLA MENENDEZ (Guatemala) said that the subject raised by the draft resolution was important and interesting, but there had not been sufficient consultation to enable a consensus to be achieved. It was evident that the international economic order was neither equitable nor just and it was important that action should be taken by other organizations of the United Nations system and not just the Commission on Human Rights. There was a need for consultation and for more time to consider the issues involved and he requested the delegation of Cuba to postpone action on the draft resolution. If it did not do so, his own delegation would be obliged to abstain.

75. Mr. REYES RODRÍGUEZ (Cuba) said he found the arguments of the representative of Guatemala very interesting, the more so because that delegation had not participated in the consultations and had expressed no concerns in writing. Guatemala was a very important country in its region, and had it expressed its concerns, his delegation would have listened attentively. However, it was too late to reopen issues that should have been discussed earlier.

76. Mr. SALINAS (Chile) associated his delegation with the concerns already expressed by previous speakers, especially the representatives of Germany and the United Kingdom. The draft resolution contained elements which were contrary to Chile's domestic legislation, and he regretted that the delegation of Cuba had not accepted the various requests that had been made to withdraw it. His delegation would vote against it.

77. At the request of the representative of Cuba, a vote was taken by roll-call on the draft resolution.

78. Sudan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Brazil, Burundi, China, Colombia, Congo, Cuba, Ecuador, El Salvador, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Sri Lanka, Sudan, Tunisia, Venezuela, Zambia.

Against: Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Guatemala, Morocco, Peru, Senegal, Swaziland.

79. The draft resolution was adopted by 30 votes to 17, with 6 abstentions.

Draft resolution on human rights and human responsibilities (E/CN.4/2000/L.78)

80. Ms. JANJUA (Pakistan), introducing the draft resolution on behalf of its sponsors, said that it had been inspired by article 29 of the Universal Declaration of Human Rights, which recognized that everyone had duties to the community. While the concept of human responsibility with regard to human rights was not new, and both international and regional instruments emphasized human duties and responsibilities, the relevance of those responsibilities to the full and effective promotion and protection of human rights had, over the years, been ignored.

81. Governments remained responsible for the promotion and protection of human rights, and the concept of human rights and responsibilities was designed to supplement their efforts. The powerful new actors that had emerged from the numerous recent changes throughout the world had acquired enormous power and must accept the concomitant responsibilities, especially in the area of human rights. The draft resolution was an attempt to broaden the scope of response to new realities.

82. Stressing the need for a comprehensive approach to human responsibilities, it also made clear that the notion of responsibilities should in no way impede the promotion of human rights but, rather, enhance their protection. A further objective of the resolution was to deepen understanding of the role of the concept of responsibilities in enhancing promotion and protection of human rights.

83. She drew the attention of the Commission to a change in paragraph 3, the text of which had been replaced by the following: "Decides to continue its consideration of this question at its fifty-seventh session under the same agenda item."

84. A similar draft resolution had been submitted to the Commission at its fifty-fifth session, but had been withdrawn in response to delegations' pleas that they had not had sufficient time to consider it. The current draft resolution was shorter and more focused, and did not attempt to prejudge the outcome. The study it proposed would assist in broadening perspectives and developing ideas for furthering the cause of human rights. She therefore hoped that the Commission would adopt it without a vote.

85. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bhutan, Congo, Indonesia, Niger, Qatar, Sri Lanka and Sudan and the observers for the Islamic Republic of Iran, Iraq, Jordan, Libyan Arab Jamahiriya, Oman, Saudi Arabia, Turkey and Yemen had become sponsors of the draft resolution.

86. Mr. HYNES (Canada), speaking in explanation of vote before the voting, said that, while the concepts of human rights and responsibilities were extremely important, his delegation did not consider it either necessary or appropriate for the Commission to take any action on the draft resolution. The approach adopted in the text ran counter to the fundamental underpinnings of international human rights legislation, which focused on the manner in which States treated their citizens rather than the manner in which individuals related to their States. The legal scope of

the individual's duty to the community was clearly set out in article 29, paragraph 1, of the Universal Declaration of Human Rights, while paragraph 2 of the same article severely limited the ability of Governments to restrict human rights.

87. The concepts of human rights and responsibilities were essential to the effective operation of any society, but were too often susceptible to exploitation and abuse by Governments intent on avoiding rather than meeting their basic human rights obligations to their citizens. Until Governments improved their record in that regard, his delegation felt that the Commission should focus on increasing respect for human rights. He requested that the draft resolution be put to a vote, and said that he would vote against it.

88. Mr. KOH (United States of America) said that he supported the statement by the representative of Canada. In view of the fact that domestic law was supposed to govern the relationship between the individual and the State, his delegation was opposed to the text and would vote against the draft resolution.

89. Mr. PADILLA MENENDEZ (Guatemala) said that the domestic laws of a State defined the responsibilities of the individual towards that State. There was therefore no need for the concept contained in the draft resolution, which was alien to the Commission's work. His delegation would vote against it.

90. Mr. HARAGUCHI (Japan) said that, while his delegation acknowledged the importance of individual responsibilities, it had a number of concerns with regard to the draft resolution. The first was that, by stressing personal responsibilities in the context of human rights, it could give the impression that the Commission favoured restricting human rights in relation to personal responsibilities. Another concern was that it might be open to abuse and used as a pretext to restrict human rights. Finally, it requested the Sub-Commission to undertake a study on the issue, but laid down no clear guidelines for such a study, which were essential if the Sub-Commission was to be given such a mandate. His delegation would therefore vote against the draft resolution.

91. Ms. JANJUA (Pakistan) said that it was clear from the interventions that no-one was contesting the importance of human rights and responsibilities. The draft resolution was not intended to limit human rights in any way. With regard to the study to be undertaken by the Sub-Commission, the sponsors had not wished to prejudice the outcome of that study, and had therefore deliberately given no directions in the draft resolution. She appealed to the Commission not to decide in advance what the impact of the draft resolution might be, but to await the outcome of the study. She stressed that the concept of human responsibilities was intended to supplement rather than replace the responsibilities of Governments.

92. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

93. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, said that the Union had given careful consideration to the draft resolution but was unable to support it. It had already expressed serious reservations with regard to the similar draft resolution submitted to the Commission at its fifty-fifth session. While acknowledging the

importance of the issues behind the debate on relations between the individual and the community, the Union did not consider that the Commission on Human Rights was the right forum in which to examine such matters.

94. The Commission should not regulate the specific responsibilities of an individual towards the community, but should focus exclusively on human rights and the duties of the State towards the individual. The main responsibility for the legal regulation of individual behaviour rested with States. International law did not, on the whole, directly impose legal duties on the individual. The Universal Declaration of Human Rights set out the scope of the individual's duties towards the community and limited the ability of Governments to restrict human rights.

95. The idea that human rights and human responsibilities were two sides of the same coin was unacceptable and a so-called culture of responsibility was not relevant to the Commission's work. Any suggestion that reference to duties and responsibilities might be used by Governments in order to impose limits upon internationally recognized human rights must be rejected. The struggle between States and individuals for the respect of human rights was an unequal one.

96. The Union thought that the Sub-Commission should devote itself exclusively to issues that added significant value to the Commission's work. It believed in democratic and participatory societies in which the State alone was responsible for the full promotion and protection of human rights and in which individuals were encouraged and free to defend and enjoy human rights. It was therefore opposed to an approach to human rights based on human duties and responsibilities and the delegations he represented would vote against the draft resolution.

97. At the request of the representatives of Canada and Pakistan, a vote was taken by roll-call on the draft resolution.

98. Guatemala, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Burundi, China, Congo, Cuba, India, Indonesia, Madagascar, Mauritius, Mexico, Nepal, Niger, Pakistan, Philippines, Qatar, Sri Lanka, Sudan, Swaziland, Tunisia, Zambia.

Against: Canada, Chile, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Brazil, Colombia, El Salvador, Liberia, Morocco, Nigeria, Russian Federation, Rwanda, Senegal.

99. The draft resolution was adopted by 22 votes to 21, with 10 abstentions.

Draft resolution on the role of good governance in the promotion of human rights (E/CN.4/2000/L.80)

100. Mr. LABBE (Chile), introducing the draft resolution on behalf of its sponsors, said that it was designed to reflect a concept found throughout the United Nations system. It was not a sermon, but was intended to encourage cooperation and to promote good governance. In an attempt to secure general acceptance of the text, extensive consultations had been held.

101. He drew the Commission's attention to a number of changes that had been made to the text: in the fourth preambular paragraph, the word "will" in the first line of the English text had been deleted and in the fifth preambular paragraph, the final phrase "if and when required," had been moved, so that the paragraph would read: "Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States, needing external inputs in order to improve good governance activities, have access, if and when required, to the necessary information and resources,".

102. In paragraph 1, the words "and aspirations" had been added after "responsive to the needs". A new paragraph 1 bis had been added to read "Emphasizes, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation,". Paragraph 2 had been revised to read: "Requests the High Commissioner for Human Rights to invite all States to provide practical examples of activities which have been effective in strengthening good governance practices for the promotion of human rights at the national level, including ...", the remainder of the text being unchanged.

103. He wished to emphasize that the draft resolution had been expressly designed to bring together delegations that differed with regard to other subjects. It gave pride of place to the cooperative dimension of respect for human rights.

104. Mrs. IZE-CHARRIN (Secretary of the Commission), said that the representatives of Botswana, Canada, Czech Republic, Japan, Norway, Portugal, Senegal, United Kingdom and Zambia and the observers for Azerbaijan, Cyprus, Denmark, Equatorial Guinea, Israel and the Republic of Moldova had become sponsors of the draft resolution.

105. The CHAIRMAN said that the discussion of the draft resolution would be held over until the next meeting.

The meeting rose at 1 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 66th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 April 2000, at 3.15 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 13, 17, 10 AND 18

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GE.00-13603 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 13, 17, 10 AND 18

Draft resolutions under agenda item 13

Draft resolution E/CN.4/2000/L.62 (Question of draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography)

1. The CHAIRMAN took note with satisfaction of the adoption at the preceding meeting of draft resolution E/CN.4/2000/L.62, which he had sponsored. It was exceptional and worth pointing out that the Commission had adopted two international human rights instruments in the same year.

Draft resolutions under agenda item 17

Draft resolutions E/CN.4/2000/L.80 (The role of good governance in the promotion of human rights) and E/CN.4/2000/L.103 (Cuba: amendments to draft resolution E/CN.4/2000/L.80)

2. Mr. REYES RODRIGUEZ (Cuba) said that, in view of the prevailing climate of cooperation, the Cuban delegation had decided to withdraw its proposed amendments (E/CN.4/2000/L.103). It was nevertheless still concerned about the meaning of the expression "good governance" and considered that there should be a proper definition of the concept, which was being widely discussed. The use of the word "good" could politicize discussions and impede dialogue. In its first amendment, his delegation had therefore suggested that the word should be deleted. In most United Nations texts, the words "responsibility, effectiveness and participation", which emphasized non-discrimination and transparency, were used to define "good governance". His delegation was also concerned about the issue dealt with in the third amendment on the need to broaden and strengthen the participation of developing countries in the international economic decision-making process through its democratization. That question was raised in the second preambular paragraph of the draft resolution, in which the Commission recognized "the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights". However, the third preambular paragraph did not refer to the international level.

3. Although his delegation had decided in a spirit of cooperation, to withdraw its amendments, it was not sure whether the concept of good governance, on which understanding still had not been reached, should be discussed in the Commission. Since it could not join in the consensus on the draft resolution, his delegation requested that it should be put to the vote.

4. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, thanked the main sponsors of the draft resolution, including Australia, South Africa, Poland, Chile and the Republic of Korea, for having debated the matter constructively and in a spirit of cooperation. The European Union was convinced that good governance had to be based purely on transparency and responsibility if it was to meet citizens' needs and aspirations and to ensure

the promotion of human rights. It was in that spirit that the States had to put their resources at the service of human development, as effectively and sustainably as possible. The principle of good governance formed the basis for and was the key element of the partnership between the European Union and 71 African, Caribbean and Pacific countries. Consequently, the European Union endorsed the draft resolution under consideration and thanked the Cuban delegation for having withdrawn its proposed amendments.

5. Mr. LABBE (Chile), speaking on behalf of the sponsors, also thanked the Cuban delegation for having withdrawn its amendments in order to facilitate the adoption of the draft resolution. The sponsors had noted the Cuban delegation's point of view on the text and respected it, even if they did not share it.

6. A number of Latin American delegations had joined his delegation in expressing their disagreement with the use of the term "buena gobernación" in the Spanish version of the draft resolution. The correct term was "buen gobierno". His delegation therefore requested that the Spanish version should be amended accordingly.

7. Mr. BHATTI (Pakistan) said that the concept of good governance had given rise to a great deal of discussion and it was therefore hardly surprising that the Commission had requested its members' views on the subject. In Pakistan, the concept was synonymous with responsibility and transparency on the part of the Government, which acted with a view to creating an egalitarian society in which all citizens could live in dignity and freedom. At the international level, the expression "good governance" had still not been clearly defined; it therefore remained subjective, could be interpreted in different ways and might be used to impose certain conditions on other States.

8. His delegation would therefore vote in favour of the draft resolution, on the understanding that it was up to each State to define the concept of good governance in terms of its own specific situation.

9. Mr. CHOWDHURY (Bangladesh) said it was true that the concept of good governance was not sharply defined, but, oftentimes, to define was also to limit. In any event, good governance, at the heart of which lay transparency, responsibility, accountability and participation, could result only from a combination of national and international cooperative endeavours. Bangladesh was a democratic country that sought to contribute by all means and in every forum to everything that could enhance the individual's quality of life. The Bangladesh delegation believed that that was the meaning of the draft resolution and would therefore vote in favour of it.

10. Mr. SABHARWAL (India), recalling that no consensus had emerged on a precise definition of the term "good governance", said that it must be based on transparency, responsibility, accountability and participation. Good governance was also contextual in nature and it was therefore up to each State to determine good governance practices and continuously to strengthen them, no matter what its level of development. The concept was therefore relevant to all countries and not only to developing countries. Lastly, international development cooperation should not be made conditional on the application of prescriptive good governance practices. The draft resolution met those concerns and his delegation would therefore vote in favour of it.

11. Ms. XU Jing (China) said that the international community had not been able to agree on the meaning of the term "good governance", which remained ambiguous and controversial and could be a stumbling block in the process of international cooperation in the field of human rights. How a State functioned depended on its institutions, its past and its level of development. No single model or standard could be used to measure how well those institutions functioned.

12. Her delegation had suggested that the term "good governance" should be replaced by "responsible and transparent governmental institutions" and regretted that the sponsors had decided not to take account of that proposal. She would therefore abstain in the vote on the draft resolution.

13. Mr. ZIVKOVIC (Secretary) stated that draft resolution E/CN.4/2000/L.80 would have no financial implications.

14. At the request of the representative of Chile, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.80.

15. Germany, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of the Congo, Romania, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: None.

Abstaining: China, Cuba.

16. Draft resolution E/CN.4/2000/L.80 was adopted by 50 votes to none, with 2 abstentions.

Draft resolution E/CN.4/2000/L.81 (Question of the death penalty)

17. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and its 64 other sponsors, said that, for the Governments of the European Union, the abolition of the death penalty throughout the world was not a political objective like any other. Indeed, the death penalty was contrary to the fundamental right to life as defined in article 3 of the Universal Declaration of Human Rights. Besides the fact that execution was irreversible, the death penalty affected mainly people who were at a disadvantage for economic, social, ethnic or religious reasons and it did not have a deterrent effect on criminals. Those considerations had prompted the European Union to strengthen its commitment to the abolition of the death penalty and to reintroduce a draft resolution on the issue to the Commission.

18. In the draft resolution, the Commission called on the States that still maintained the death penalty gradually to reduce the number of offences for which the death penalty could be imposed and to establish a moratorium on executions. The aim was not only to strengthen the universal momentum observed in the past several years in favour of abolition of the death penalty, but also to appeal to the States that continued to apply the death penalty to ensure respect for minimum international standards. Indeed, in certain States, people were sentenced to death and executed after accelerated proceedings, whereas not only was the death penalty not to be imposed for any but the most serious crimes, it was to be carried out only pursuant to a final judgement rendered by an independent and impartial competent court. In addition, the right to appeal and the right to seek pardon or commutation of sentence should be guaranteed in all circumstances and information on the application of the death penalty made public. It was true that the decision to abolish the death penalty was basically within the sovereign jurisdiction of each State, but the international instruments adopted by the United Nations that subjected the application of the death penalty to strict conditions should be scrupulously respected. Lastly, the European Union believed that the abolition of the death penalty contributed to the enhancement of human dignity and to the progressive development of human rights. In the light of those considerations, he hoped that the draft resolution would receive the broadest possible support and be adopted by consensus.

19. Ms. IZE-CHARRIN (Secretary of the Commission) said that Mauritius, Bolivia, Israel, the Republic of Moldova and Haiti had joined the sponsors of the draft resolution.

20. Mr. SABHARWAL (India) said he regretted that the draft resolution under consideration had not been the subject of consultations open to all, as that might have resulted in a more balanced text. It was true that the international community had still not reached a consensus on the issue of capital punishment, as had been brought out very clearly during the consideration of a draft resolution on the subject at the fifty-fourth session of the General Assembly. It was also true that capital punishment should be imposed only for the most serious crimes and in accordance with international human rights standards. In India, the death penalty was administered only in extremely rare cases and was therefore the exception rather than the rule. Death sentences had to be confirmed by a higher court. Those sentenced to death also had the right to appeal to the Supreme Court and to file a mercy petition before the Governor of the State concerned or the President of India. The death penalty was never applied to pregnant women or to minors.

21. Although his delegation agreed with some parts of the draft resolution, it could not accept some of the demands made of States, in particular in paragraphs 3 (f), 4 (b) and 5. It therefore requested a joint roll-call vote on those three paragraphs and indicated that it would vote against them.

22. Mr. PARSHIKOV (Russian Federation) said that the Russian Federation had always scrupulously respected its obligations under the international instruments to which it was party, particularly with regard to the death penalty. His delegation would therefore vote in favour of the paragraphs in question and joined the sponsors of the draft resolution.

23. Mr. KOH (United States of America) said he shared the opinion of the draft resolution's sponsors that the death penalty should be imposed only in accordance with international law. It

should nevertheless be recalled that international law did not prohibit the death penalty, but rather limited its application to the most serious crimes and in strictly defined conditions. Accordingly, it was up to each nation to decide whether its domestic laws should or should not allow capital punishment in accordance with international standards. The United States Supreme Court had ruled that the application of the death penalty was consistent with the eighth amendment to the United States Constitution. All Americans agreed that guarantees of due process must always be observed and that the death penalty should therefore be applied only if fairness and legality and the relevant rules of international law had been rigorously observed.

24. His delegation would therefore vote against the draft resolution, as it had done in the previous three years.

25. Mr. ZIVKOVIC (Secretariat) said that the draft resolution under consideration would have no financial implications.

26. At the request of the representative of India, a vote was taken by roll-call on paragraphs 3 (f), 4 (b) and 5 of draft resolution E/CN.4/2000/L.81.

27. Poland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Brazil, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Italy, Latvia, Luxembourg, Mauritius, Mexico, Nepal, Norway, Peru, Poland, Portugal, Republic of the Congo, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, Venezuela.

Against: Bangladesh, Botswana, China, Cuba, India, Indonesia, Japan, Nigeria, Pakistan, Qatar, Republic of Korea, Rwanda, Sudan, Swaziland, United States of America.

Abstaining: Bhutan, Burundi, Guatemala, Madagascar, Morocco, Niger, Philippines, Senegal, Sri Lanka, Tunisia, Zambia.

28. Paragraphs 3 (f), 4 (b) and 5 of the draft resolution were adopted by 26 votes to 15, with 11 abstentions.

29. At the request of the representative of Portugal, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.81, as a whole.

30. China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Brazil, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Italy, Latvia, Luxembourg, Mauritius, Mexico, Nepal, Niger, Norway, Peru, Poland, Portugal, Republic of the Congo, Russian Federation, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, Venezuela.

Against: Bangladesh, Botswana, China, Indonesia, Japan, Nigeria, Pakistan, Qatar, Republic of Korea, Rwanda, Sudan, Swaziland, United States of America.

Abstaining: Bhutan, Burundi, Cuba, Guatemala, India, Madagascar, Morocco, Philippines, Senegal, Sri Lanka, Tunisia, Zambia.

31. Draft resolution E/CN.4/2000/L.81 as a whole was adopted by 27 votes to 13, with 12 abstentions.

Draft resolution E/CN.4/2000/L.83 (Towards a culture of peace)

32. Mr. CASTRO GRANDE (El Salvador), introducing the draft resolution on behalf of the sponsors, which had been joined by Madagascar, the Republic of the Congo, Cyprus, Cameroon, Algeria, Nepal, India, Angola and Togo, recalled that human rights and fundamental freedoms played a key role in the consolidation of a culture of peace. In the draft resolution, the Commission welcomed the adoption by the General Assembly in September 1999 of the Declaration and Plan of Action on a Culture of Peace and strongly reiterated its invitation to States to promote a culture of peace based on the purposes and principles established in the Charter of the United Nations and in the Declaration and Programme of Action concerned. The establishment of a culture of peace was a prerequisite condition for moving forward on the path to respect for all human rights and all fundamental freedoms. The Commission could contribute to the consolidation of that culture of peace not only during the current year, which the General Assembly had proclaimed the International Year for the Culture of Peace, but also within the framework of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, which would start in 2001.

33. His delegation hoped that, as in the past, the draft resolution would be adopted by consensus.

34. Mr. ZIVKOVIC (Secretariat), referring to the financial implications of draft resolution E/CN.4/2000/L.83 in accordance with rule 28 of the rules of procedure of the functional committees of the Economic and Social Council, said that the conference services required for the three-day panel/forum on a culture of peace in 2001 would be financed from existing resources. The relevant provisions had been made under section 22 of the proposed programme budget not only for the meetings that had already been planned at the time the budget had been drawn up, but also for those that might be authorized subsequently, if the number and distribution of the conferences and meetings corresponded to the pattern of recent years. As a result, the adoption of the draft resolution would not require any additional provision to be made under project 22 of the programme budget for the 2000-2001 biennium.

35. Mr. CASTRO GRANDE (El Salvador) noted that, according to the draft resolution, the forum on a culture of peace was to be held during the International Year for a Culture of Peace, i.e. in 2000. He therefore wished to know what the implications would be if the forum were held in 2001.

36. Mr. ZIVKOVIC (Secretariat) said that the financial implications would be the same because the biennium covered two years, 2000 and 2001.

37. Draft resolution E/CN.4/2000/L.83 was adopted without a vote.

Draft resolution E/CN.4/2000/L.84 (Status of the International Covenants on Human Rights)

38. Mr. HUHTANIEMI (Observer for Finland), introducing the draft resolution on behalf of the sponsors, said that it emphasized the importance of the International Covenants on Human Rights which, together with the Universal Declaration of Human Rights, formed the core of the International Bill of Human Rights. The Commission also recognized the role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in implementing their obligations under those instruments and making recommendations to them in that regard. States which had not yet become party to those instruments were invited to do so and to consider limiting the extent of any reservations they formulated to those instruments and to ensure that no reservation was incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law. The draft resolution took stock of the general comments recently adopted by the two Committees and the problems confronting them. One of those problems, mentioned in paragraph 8, was difficult to deal with in the context of the draft resolution and the sponsors had therefore decided to delete it in order to facilitate the adoption of the resolution. The subsequent paragraphs would be renumbered accordingly.

39. His delegation hoped that the draft resolution, as amended, would be adopted without a vote.

40. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Venezuela, Austria, Ukraine, Australia, Cyprus, Slovakia, Slovenia, New Zealand, the former Yugoslav Republic of Macedonia, Sweden and Uruguay had joined the sponsors of the draft resolution.

41. Mr. ZIVKOVIC (Secretariat) indicated that the draft resolution would have no financial implications.

42. Draft resolution E/CN.4/2000/L.84, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.85/Rev.1 (Impunity)

43. Ms. VENTURA (Canada), introducing the draft resolution, said that it was the result of a consensus among a broad range of States. The inability of States to hold persons who committed flagrant human rights violations accountable for their acts was one of the main reasons that atrocities such as genocide, summary executions, enforced disappearances and torture continued to take place. The purpose of the draft resolution was to condemn that state of affairs and stress the importance of the mechanisms set up in certain States to expose such violations, including commissions of inquiry and commissions for achieving truth and reconciliation.

44. All countries were also encouraged to sign and ratify the Rome Statute of the International Criminal Court, to participate actively in the work of the preparatory commission and to support the work of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. The Secretary-General was requested to seek the views of Governments and intergovernmental and non-governmental organizations on the possible appointment of an independent expert charged with examining all aspects of the issue of impunity for perpetrators of human rights violations. Her delegation hoped that all States would respond to the appeal made to them in the draft resolution.

45. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Paraguay, Ethiopia, Denmark, Norway, the United States of America, Italy, Slovenia, Ireland, the Netherlands, Haiti, Sweden, Greece, Austria, Latvia, the former Yugoslav Republic of Macedonia, Romania and Uganda had joined the sponsors of the draft resolution.

46. Mr. PETIT (France) said that France was committed to the fight against impunity and had therefore firmly endorsed and even sponsored the draft resolutions on the subject. Although the work of the Sub-Commission and the treaty bodies had moved the international community's reflection and practice on the issue forward, there was still a great deal to be done in that regard and the main objective of a resolution on impunity must be to draw clear guidelines for the future. His delegation therefore deeply regretted the fact that, despite its repeated requests, the draft resolution did not explicitly refer to the Set of principles for the protection and promotion of human rights through action to combat impunity, appended by Mr. Joinet to his final report on impunity (E/CN.4/Sub.2/1997/20/Rev.1) or to certain questions raised by Mr. Guissé in his final report on the impunity of perpetrators of violations of economic, social and cultural rights (E/CN.4/Sub.2/1997/8). The draft resolution under consideration was in fact the outcome of the merger of two complementary but different texts submitted separately the previous year on the impunity of perpetrators of violations of both categories of rights. From the legal point of view, however, the question of impunity was not the same for those two categories of rights. His delegation therefore doubted whether a single expert should be requested to study the matter as a whole. For that reason, it had not joined the draft resolution's sponsors, but it would not oppose the resolution's adoption by consensus.

47. Mr. REYES RODRIGUEZ (Cuba), thanking Canada for its praiseworthy efforts to reconcile all points of view on the question of impunity, said that his delegation would also have liked the draft resolution to refer explicitly to the reports of Mr. Joinet and Mr. Guissé, respectively, but it nevertheless welcomed the fact that, in the draft resolution, the Commission recalled that impunity had to be combated for all human rights violations in all their forms and regardless of the category of rights.

48. Mr. ZIVKOVIC (Secretariat), introducing the financial implications of the draft resolution under consideration in accordance with rule 28 of the rules of procedure of the functional committees of the Economic and Social Council, said that the resources required to provide the States, at their request and as indicated in paragraph 8 of the draft resolution, with concrete and practical assistance and cooperation in seeking to achieve the draft resolution's goals, amounted to an estimated $45,300 in 2000, which corresponded to the temporary

assistance of a P-4 Secretariat staff member for six months. As no provision had been made under section 22 of the programme budget for the present biennium, those activities would be financed by extrabudgetary resources.

49. Draft resolution E/CN.4/2000/L.85/Rev.1 was adopted without a vote.

Draft resolution E/CN.4/2000/L.86 (Fundamental standards of humanity)

50. Mr. WILLE (Norway), introducing the draft resolution on behalf of the sponsors, recalled that the question of fundamental standards of humanity had been examined by the Commission since 1995 and that the relevant draft resolution had always been adopted without a vote. He emphasized that the report submitted to the Commission by the Secretary-General on that question was a very useful reference document. In the draft resolution, the Commission requested the Secretary-General, in consultation with the International Committee of the Red Cross, to submit a further report on developments in that area to the Commission at its fifty-seventh session. It also invited States, international organizations and non-governmental organizations to engage in discussions in relevant forums on the strengthening of protection of the individual in all situations.

51. His Norwegian delegation hoped that the draft resolution would be adopted without a vote.

52. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Argentina, Ecuador, Hungary, Ireland, Slovakia and Uruguay had become sponsors of the draft resolution.

53. Mr. ZIVKOVIC (Secretariat) said that the draft resolution under consideration would have no financial implications.

54. Draft resolution E/CN.4/2000/L.86 was adopted without a vote.

Draft resolution E/CN.4/2000/L.87 (Enhancement of international cooperation in the field of human rights)

55. Mr. MONTWEDI (Observer for South Africa), introducing the draft resolution on behalf of the States members of the Non-Aligned Movement and China, said that the draft resolution underlined the importance of mutual understanding, dialogue, cooperation, transparency and confidence-building. The Commission reaffirmed that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter of the United Nations.

56. His delegation recalled that the draft resolution on the enhancement of international cooperation in the field of human rights had always been adopted by consensus in previous years and invited the Commission to adopt the draft resolution under consideration without a vote.

57. Mr. ZIVKOVIC (Secretariat) indicated that the draft resolution under consideration would have no financial implications.

58. Draft resolution E/CN.4/2000/L.87 was adopted without a vote.

Draft resolution E/CN.4/2000/L.95 (United Nations Decade for Human Rights Education)

59. Mr. GUILLERMET (Observer for Costa Rica), introducing the draft resolution on behalf of the sponsors, recalled that, in 2000, a mid-term global evaluation would be carried out of progress towards the achievement of the Decade's objectives. It was important to underscore the fundamental role of human rights education and to urge all Governments to contribute further to the implementation of the Decade's Plan of Action.

60. The resolution's sponsors suggested that the words "indigenous peoples" in paragraph 4 should be replaced by "indigenous issues". They hoped that the draft resolution would be adopted by consensus, as in the past.

61. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Angola, Colombia, Cyprus, the Russian Federation, Finland, Greece, Israel, the Philippines and Uruguay had joined the sponsors of the draft resolution.

62. Mr. ZIVKOVIC (Secretariat) said that the draft resolution under consideration would have no financial implications.

63. Draft resolution E/CN.4/2000/L.95, as amended, was adopted without a vote.

Draft decision E/CN.4/2000/L.75 (Reservations to human rights treaties) (continued)

64. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) read out a revised version of the draft decision:

> "The Commission on Human Rights, taking note of resolution 1999/27 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights and the working paper submitted by Ms. Françoise Hampson pursuant to Sub-Commission decision 1998/113 (E/CN.4/Sub.2/1999/28), decides to request the Sub-Commission to request Ms. Françoise Hampson to submit to the Sub-Commission at its fifty-second session revised terms of reference for her proposed study on reservations to human rights treaties further clarifying how this study would complement work already underway on reservations to human rights treaties, in particular by the International Law Commission."

65. Her delegation hoped that the draft decision, as amended, would be adopted by consensus.

66. Mr. ZIVKOVIC (Secretariat) recalled that he had read out the financial implications of the draft resolution at the preceding meeting and there had been no change in that information.

67. Draft decision E/CN.4./2000/L.75, as revised, was adopted without a vote.

68. The CHAIRMAN indicated that that draft decision cancelled and replaced draft decision 8 of the Sub-Commission.

Statements in explanation of vote after the vote

69. Mr. SUN Ang (China), explaining why his delegation had abstained in the vote on draft resolution E/CN.4/2000/L.37, pointed out that mechanisms for ensuring the implementation of the Declaration on the Right and Responsibility, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms already existed. The creation of a new mechanism was therefore pointless and contrary to the efforts being made to rationalize the work of the Commission. Instead of establishing a new mandate in haste, it would be more appropriate to study the obstacles encountered and to determine which problems warranted the Commission's attention with a view to promoting the implementation of the Declaration.

70. Mr. SABHARWAL (India) explained that his delegation had voted in favour of draft resolution E/CN.4/2000/L.37 even though it had had concerns with various elements of the text, beginning with the absence of an internationally agreed or accepted definition of the term "human rights defenders". It would also have preferred to mainstream the work of implementing the relevant Declaration among the Commission's existing mechanisms. His delegation's vote was a measure of its commitment to defending the rights of those who were active in promoting and protecting human rights. It hoped that the Special Representative would discharge his or her responsibilities in accordance with the provisions of the Declaration and that the Declaration and the draft resolution would be used advisedly to strengthen the protection of genuine defenders of human rights.

71. Mr. LEGWAILA (Botswana), referring to the three paragraphs of draft resolution E/CN.4/2000/L.81 that had been put to a separate vote, explained that his delegation had been against paragraph 4 (b) and paragraph 5, but had had no objection to paragraph 3 (f). No one was executed in Botswana while legal proceedings concerning them were still under way.

72. Mr. SUTOYO (Indonesia), speaking also on behalf of the delegations of 51 other countries (Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Brunei Darussalam, Burundi, China, Democratic People's Republic of Korea, Egypt, Eritrea, Ghana, Grenada, Guyana, Fiji, Indonesia, Iraq, Islamic Republic of Iran, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Oman, Philippines, Qatar, Rwanda, St. Lucia, St. Kitts and Nevis, Saudi Arabia, Sierra Leone, Singapore, Sudan, Suriname, Swaziland, Syria, Tanzania, Thailand, Togo, Trinidad and Tobago, United Arab Emirates, Viet Nam, Yemen, Zimbabwe), said that those delegations did not endorse the draft resolution on the death penalty (E/CN.4/2000/L.81) adopted by the Commission. They believed that every State had the right to choose its political, economic,

social, cultural and legal system without interference from other States and that that right was inalienable. The question whether to retain or abolish the death penalty should be carefully studied by each State and should not be the subject of a universal decision.

73. The delegations concerned had drawn up a statement in which they provided a detailed explanation on that point and requested that the full statement should be circulated as an official document of the Commission's fifty-sixth session.

74. Mr. CHATTY (Tunisia) explained that his delegation had abstained in the vote on draft resolution E/CN.4/2000/L.81 because executions were de facto non-existent in Tunisia, except for particularly foul crimes that had especially shocked public opinion. No one had been executed in the country since 1992.

Draft resolutions under agenda item 10

Draft resolution E/CN.4/2000/L.97 (Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights)

75. Ms. MBONU (Nigeria), introducing the draft resolution on behalf of the States members of the African Group, said she regretted that the Commission did not have before it the report of the Special Rapporteur on toxic wastes. The fact that the report was unavailable had made it difficult for delegations to have a clear idea of the Special Rapporteur's activities in the framework of her mandate and had also delayed the preparation and processing of the draft resolution.

76. Following the broadest possible consultations, three new paragraphs, paragraphs 1, 2 and 12, had been inserted in the draft resolution. The topic of the draft resolution was a matter of special importance to developing countries, where the lack of national capacity to cope with the increasing rate of illicit movement and dumping of hazardous and other wastes constituted a serious threat to the human rights to life, good health and a sound environment for all. It was crucial for the members of the Commission to act together in a positive, non-selective and non-prejudiced manner to put a stop to those violations and to combat impunity in that area. The fate of billions of people was at stake.

77. The African Group, pointing out that the draft resolutions underlying principles were those of the indivisibility and interrelatedness of human rights, hoped that it would be adopted by consensus.

78. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Haiti had joined the sponsors of the draft resolution.

79. Mr. ZIVKOVIC (Secretariat) said that the draft resolution under consideration had no financial implications.

Statements in explanation of vote before the vote

80. Mr. HARAGUCHI (Japan) said that his country recognized the seriousness of the problem of the illicit movement and dumping of toxic products and wastes and shared the concerns of the draft resolution's sponsors. However, it considered that the Commission on Human Rights was not an appropriate forum to address the matter. His delegation would therefore vote against the draft resolution.

81. Mr. BATCHELOR (United States of America) said that the work of the Special Rapporteur replicated that of other United Nations bodies and international organizations referred to in paragraph 6 of the draft resolution. The United States considered that the most appropriate forum was the secretariat of the Basel Convention, whose mandate covered all aspects of the international trade in toxic wastes, including illicit trade. It was therefore unable to support the draft resolution under consideration.

82. Mr. HYNES (Canada) said that he shared the point of view of the Japanese and United States delegations. He requested that the draft resolution should be put to the vote and announced that he would vote against it.

83. At the request of the representative of Nigeria, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.97.

84. Italy, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Chile, China, Colombia, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Republic of the Congo, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: Canada, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: None.

85. Draft resolution E/CN.4/2000/L.97, as amended, was adopted by 37 votes to 16.

Draft resolutions under agenda item 18

Draft resolution E/CN.4/2000/L.79 (Composition of the staff of the Office of the United Nations High Commissioner for Human Rights)

86. Mr. REYES RODRIGUEZ (Cuba), introducing the draft resolution, said that the basic idea was to highlight the fact that, since human rights were the foundation of the United Nations

system's policies, the secretariat providing technical support to all bodies concerned with human rights played an essential ideological and political role in the smooth conduct of the work of all international mechanisms for the protection and promotion of human rights. It therefore had to have suitable personnel, i.e. a staff composed of people with the highest standards of efficiency, competence and integrity, a requirement that was compatible with the principle of equitable geographical distribution and that took account of Article 101, paragraph 3, of the Charter of the United Nations. The draft resolution made a fresh appeal for everything to be done to ensure the equitable geographical distribution of posts in the Office of the High Commissioner. In that regard, the High Commissioner for Human Rights was invited to consider the establishment of a task force with the mandate to work in cooperation with relevant components of the United Nations Secretariat in the recruitment and training of qualified personnel from developing countries for the staff of the Office (para. 4).

87. If people from developing countries did not have training, they would not have the high standards of competence required at the time of their recruitment, contrary to developed countries' representatives, whose names were submitted by their respective Governments to provide auxiliary services free of charge and who were therefore much better prepared. The annex to the draft resolution clearly showed that the Group of Western European and Other States had far and away more representatives in the Office of the High Commissioner than all the other regional groups. The fact that the draft resolution was sponsored by a very large number of delegations was evidence of the fact that the present situation was no longer acceptable. With the draft resolution, the sponsors reiterated their hope that the present composition of the staff of the Office of the High Commissioner would finally be improved in favour of more equitable geographical distribution. Those staff members were responsible for preparing reports to be submitted to the Commission, providing technical assistance in the field to countries requesting it and providing support services to rapporteurs and working groups and much of the output of the Commission and the other United Nations bodies dealing with human rights therefore depended on them.

88. His delegation and the other sponsors hoped that the draft resolution would be given broad support.

89. Ms. IZÉ-CHARRIN (Secretary of the Commission) announced that Equatorial Guinea had joined the sponsors of the draft resolution.

90. Mr. HYNES (Canada) said he agreed that the human rights programme was extremely important, but did not think that was a reason to give it special consideration. To clarify matters, he pointed out that, as demonstrated by the Secretary-General's report (A/53/375), no group was clearly overrepresented in the Office of the High Commissioner for Human Rights and the question of the composition of the staff was clearly a matter to be dealt with not by the Commission, but, according to Article 101 of the Charter, the United Nations Secretary-General. His delegation would therefore vote against the draft resolution under consideration.

91. Mr. KOH (United States of America) endorsed the observations of the Canadian delegation and noted that the draft resolution's sponsors had turned Article 1 of the Charter on its head by reversing the priorities: the main consideration in recruitment must be the need to provide the Organization with the services of people having the highest standards of efficiency,

competence and integrity. While he was certain that the Office of the High Commissioner for Human Rights would welcome qualified and experienced staff from any part of the world, he would expect the High Commissioner to oppose pressure to hire personnel, including junior professional officers, irrespective of their qualifications, merely because they came from a particular region. His delegation would therefore vote against the draft resolution.

92. Mr. REYES RODRIGUEZ (Cuba) said that an error had been made in the Spanish version of the draft resolution: in the annexed table, the headings "Eastern European States" and "Western Europe and Other States" had been switched. If the draft resolution were put to a vote, his delegation would like it to be a roll-call vote.

93. Mr. ZIVKOVIC (Secretariat) said that the adoption of draft resolution E/CN.4/2000/L.79 would have no financial implications. Noting that certain resolutions of the Commission on Human Rights referred to budgetary and administrative issues, he nevertheless wished to inform the Commission about the procedure that applied in respect of those matters. To that end, he read out a statement from the Director of the Programme Planning and Budget Division, drawing the Commission's attention to the provisions of General Assembly resolution 45/248, part B.VI., and requested that the text of the statement should be included in the Commission's report.

Statements in explanation of vote before the vote

94. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the Central and Eastern European countries associated with it and Cyprus and Malta, said that the Commission on Human Rights was not the right forum to discuss the question of the composition of the staff of the Office of the High Commissioner for Human Rights. Pursuant to Article 97 of the Charter, the Secretary-General was the chief administrator of the Organization and the European Union reaffirmed its full support for his prerogatives and responsibilities under Articles 100 and 101 of the Charter. It was the exclusive responsibility of the General Assembly to approve posts, financial resources and human resources management measures, while the Fifth Committee was responsible for administrative, budgetary and human resources management matters.

95. The European Union commended and supported the Secretary-General's efforts to ensure that all Member States were adequately represented in all the Secretariat's departments and noted with concern the significant reduction in the number of posts subject to geographical distribution and financed by the regular budget of the United Nations, notably at the P2 and P3 levels. The European Union drew attention to General Assembly resolution 53/221, which decided that the Office of Human Resources Management remained the central authority for the monitoring and approval of the recruitment and placement of staff, and strongly objected to the proposal contained in operative paragraph 4 of the draft resolution that a task force should be established, as such a request was contrary to the Charter and General Assembly resolutions. It would vote against the draft resolution.

95. At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.79.

96. Pakistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, China, Colombia, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of the Congo, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Russian Federation.

97. Draft resolution E/CN.4/2000/L.79 was adopted by 35 votes to 17, with 1 abstention.

Draft resolution E/CN.4/2000/L.82 (Human rights and thematic procedures)

98. Mr. SOMOL (Czech Republic), introducing the draft resolution, which underscored the extremely important role of thematic procedures among the human rights monitoring mechanisms, said that it made recommendations with a view to improving the thematic procedures, with which Governments and NGOs were encouraged to intensify their cooperation and which the Secretary-General and the High Commissioner for Human Rights were invited to support. The report of the Working Group on enhancing the effectiveness of the Commission's mechanisms was not directly quoted in the draft resolution, although certain passages from it could well have been. A significant change compared to previous years was the fact that attention was drawn to children and the members of other vulnerable groups, whose fundamental rights were often violated. His delegation hoped that the draft resolution, which had been the object of consultations that had been as transparent as possible, would be adopted by consensus.

99. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Israel, the Republic of Korea, Uruguay, Ireland and Sweden had joined the sponsors of the draft resolution.

100. Mr. FERNÁNDEZ PALACIOS (Cuba) acknowledged that a concern for dialogue had prevailed during the preparation of the draft resolution. His delegation had nevertheless wished for children and other vulnerable groups to be mentioned in two separate preambular paragraphs and thought that the consultations on that matter were not yet closed. It therefore requested that the consideration of the draft resolution should be slightly delayed.

101. Mr. SOMOL (Czech Republic) said that, although he was surprised to see that, despite efforts to reconcile the positions of all delegations, certain points were apparently still a source of contention, he was willing, in a spirit of cooperation, to agree that the consideration of the draft resolution should be postponed.

102. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission decided to postpone the consideration of draft resolution E/CN.4/2000/L.82.

Draft resolution E/CN.4/2000/L.89 (Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region)

103. Mr. REN Yisheng (China), introducing the draft resolution, said that it had been slightly amended. First, since Bhutan and Norway were members of the Commission, the asterisk following their names in the list of sponsors should be deleted. Secondly, the words "regional cooperation" in the last preambular paragraph should be replaced by "regional arrangements". Thirdly, in operative paragraph 2 the words "all the conclusions" should be replaced by "the respective conclusions".

104. The Asian and Pacific States attached great importance to regional cooperation to promote human rights and to the workshops regularly held in the region for that purpose. The draft resolution, which listed the achievements made in the field of regional cooperation, contained two new elements. The second preambular paragraph reiterated that one of the purposes of the United Nations was to achieve international cooperation in solving international problems and in promoting and encouraging respect for human rights and fundamental freedoms for all. In addition, paragraph 2 and other operational paragraphs mentioned the four regional inter-sessional workshops that had been held in 1999. His delegation noted that, for the first time, the draft resolution had been sponsored by a representative of a region other than Asia and the Pacific and hoped that it would be adopted by consensus.

105. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Cyprus had joined the sponsors of the draft resolution.

106. Mr. ZIVKOVIC (Secretariat) indicated that the draft resolution would have no financial implications.

107. Draft resolution E/CN.4/2000/L.89, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.90 (Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights)

108. Ms. CHATSIS (Canada), introducing the draft resolution, said that it attempted to address some of the major challenges facing the human rights treaty bodies, the Secretariat and States parties in the fulfilment of their tasks and obligations. It stressed the need for the treaty bodies to have the required financial resources within the United Nations regular budget and, in the meantime, for extrabudgetary resources. It recognized the importance of technical cooperation for the States parties and highlighted the role of NGOs in disseminating information. Her delegation hoped that the resolution would be adopted by consensus.

109. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that the United Kingdom of Great Britain and Northern Ireland, the United States of America, Ukraine, Australia, Liechtenstein, Portugal, Angola and Japan had joined the sponsors of the draft resolution.

110. Mr. ZIVKOVIC (Secretariat) said that the draft resolution would have no financial implications.

111. Draft resolution E/CN.4/2000/L.90 was adopted without a vote.

Draft resolution E/CN.4/2000/L.91 (National institutions for the promotion and protection of human rights)

112. Mr. VAN DER WAL (Observer for Australia) introducing the draft resolution which, as attested by the number of sponsors, was evidence of the growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights, said that, while recognizing that each State would choose the legal framework best adapted to its needs, his delegation had no doubt that the draft resolution would help States to develop effective national institutions in conformity with the Principles set out to that effect. The changes made since the previous year reflected the views of delegations and had strengthened the text, which, he hoped, would be adopted by consensus.

113. Ms. IZÉ-CHARRIN (Secretary of the Commission) announced that Cyprus, Indonesia, the Russian Federation and Togo had become sponsors of the draft resolution.

114. Mr. ZIVKOVIC (Secretariat) said that the adoption of the draft resolution would have no financial implications.

115. Draft resolution E/CN.4/2000/L.91 was adopted without a vote.

The meeting rose at 6 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 67th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 April 2000, at 6 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 6 p.m.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS (agenda item 18) (continued)

Draft resolution on the protection of United Nations personnel (E/CN.4/2000/L.93)

1. Ms. SUNDBERG (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, noted that locally recruited United Nations personnel accounted for the majority of casualties and the draft resolution emphasized the need to give further consideration to ways of enhancing their safety; it also recalled that the primary responsibility under international law for the security and safety of United Nations personnel lay with the host country and urged States to adopt appropriate legislation and other relevant measures to ensure that perpetrators were in fact brought to justice. It was to be hoped that, as in previous years, the draft resolution would be adopted without a vote.

2. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Japan, Luxembourg, Poland, Spain and the United Kingdom and the observers for Denmark, Greece, Hungary, Ireland, Lithuania, Malta, San Marino and Slovakia had become sponsors of the draft resolution.

3. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

4. The draft resolution was adopted.

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued)

Draft resolution on the situation of human rights in Haiti (E/CN.4/2000/L.88)

5. Mr. MICHELENA (Venezuela), introducing the draft resolution on behalf of its sponsors and the Secretary-General's Friends of Haiti (Argentina, Canada, Chile, France and the United States of America), said that the text stressed the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice and once again strongly urged the Government of Haiti to institute legal proceedings against perpetrators of human rights violations identified by the National Commission; called upon it to comply with its existing obligations under international human rights law by harmonizing all relevant provisions of Haitian national law with international standards and by continuing to comply with its reporting obligations to treaty-monitoring bodies, in particular the Committee on the Elimination of Discrimination against Women; urged the Government of Haiti to adopt measures to promote the human rights of women and to fight against the violence of which they were victims; and encouraged it to promote the rights of children, in particular their right to education.

6. There were a number of minor changes to be made to the English version of the text: in the tenth preambular paragraph, the word "the" should be replaced by "a" after the phrase "International Civilian Support Mission in Haiti with"; in paragraph 4, the words "the Government of" should be deleted; in paragraph 6, the words "where appropriate" should be deleted; and, in paragraph 11, the words "to investigate properly" should be amended to read: "properly to investigate". His delegation would submit corrections to the Spanish version shortly.

7. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Ecuador, Germany, Japan, Luxembourg and the United States of America and the observers for Austria, Israel and Uruguay had become sponsors of the draft resolution.

8. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

9. The draft resolution was adopted.

10. Ms. DUCHATELLIER (Observer for Haiti) said that her delegation regretted that, as in past years, the question of the full restitution of the documents of the Front pour l'avancement et le progrès Haïtien (Front for the Advancement and Progress of Haiti) (FRAPH) to the Haitian authorities had not been referred to clearly enough in the draft resolution. It nevertheless noted that, at the current session, the question had been raised timidly. As the Independent Expert had done on so many occasions, it stressed once again that those documents were of great importance for the Haitian people's efforts to combat impunity.

Draft resolution on the situation of human rights in Cambodia (E/CN.4/2000/L.92)

11. Mr. HARAGUCHI (Japan), introducing the draft resolution on behalf of its sponsors, said that Cambodia was one of the best examples of how advisory services and technical cooperation in the field of human rights could benefit a country in need. The draft resolution urged the Government of Cambodia to make further efforts to address the continued prevalence of impunity and encouraged it to continue to cooperate with the United Nations with a view to reaching an early agreement on the most appropriate way of bringing to justice the Khmer Rouge leaders responsible for the most serious violations of human rights. It was to be hoped that, as in previous years, the draft resolution would be adopted without a vote.

12. Ms. IZE-CHARRIN (Secretary of the Commission) said that the observers for Albania, Ireland and Israel had become sponsors of the draft resolution.

13. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

14. The draft resolution was adopted.

Draft resolution on advisory services and technical cooperation in the field of human rights (E/CN.4/2000/L.98)

15. Mr. HUTH (Germany), introducing the draft resolution on behalf of its sponsors, said that advisory services and technical cooperation in the field of human rights provided at the request of Governments through expert advice and material and personnel assistance from the Office of the High Commissioner for Human Rights were perhaps the most efficient way of promoting and protecting such rights. The draft resolution encouraged the full incorporation of qualified local and regional expertise in technical cooperation activities and pointed to ways of expanding the scope and efficiency of such services. Consideration should, however, be given to the conceptual broadening of advisory services, for example, through increased inter-agency coordination and active exchanges of lessons learned. Much more could and should be achieved by making cross-regional dialogue the rule of the day. It was to be hoped that the draft resolution would be adopted by consensus.

16. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Canada, Ecuador, Nepal, Pakistan, the Republic of Korea, the Russian Federation and Venezuela and the observers for Bulgaria, Cyprus, Lithuania, Turkey and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

17. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) said that her delegation supported the draft resolution. However, it had the same concerns about paragraph 11 as it had when that language had appeared in the resolution on strengthening the Office and she referred to the explanation her delegation had given in that connection.

18. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

19. The draft resolution was adopted.

Assistance to Somalia in the field of human rights (E/CN.4/2000/L.100)

20. Mr. MORENO (Italy), introducing the draft resolution on behalf of its sponsors, said that it expressed concern at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against minorities, women and children; and urged all parties in Somalia to respect human rights, support the re-establishment of the rule of law throughout the country and respond positively to peace initiatives. It was to be hoped that the draft resolution would be adopted without a vote.

21. Ms. IZE-CHARRIN (Secretary of the Commission) said that the observers for Australia, Ireland and Israel had become sponsors of the draft resolution.

22. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that the estimated cost of the translation and dissemination of the resolution was US$ 3,000, to be financed under extra-budgetary resources. The cost of other

activities was estimated at US$ 24,500. Relevant provisions were included in the Programme Budget for the current biennium 2000/2001. No additional provisions would therefore be required.

23. The draft resolution was adopted.

24. The CHAIRMAN said that the Commission had thus concluded its consideration of the draft resolutions under agenda item 19.

RATIONALIZATION OF THE WORK OF THE COMMISSION (agenda item 20) (continued)

Draft decision on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/L.101)

25. The CHAIRMAN, referring to a minor technical change in draft decision 2, said that the words "as well as for Special Rapporteurs" in the third and fourth lines should be deleted.

26. Mr. LONG (United States of America) expressed his delegation's appreciation to the members of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights and the Secretariat for reaching a consensus on the adoption of the draft resolution.

27. Ms. JANJUA (Pakistan) requested clarification on the deletion referred to by the Chairman. As her delegation understood it, there had been a decision regarding the term limits for the Special Rapporteurs. She suggested that the consideration of the matter should be deferred pending clarification.

The meeting was suspended at 6.50 p.m. and resumed at 7 p.m.

28. Ms. JANJUA (Pakistan) said that a consensus had been reached on the following amendment to draft decision 2: the words "as well as for Special Rapporteurs" would be retained, after which the phrase "whose position in relation to term limits is covered by the Chairperson's statement of 29 April 1999" would be inserted. There had been a discussion in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights on the term limits of Special Rapporteurs, but, as that had already been covered by the statement made by the Chairman on 29 April, it had not been explicitly referred to in the report. Including it at present clarified the matter. It was to be hoped that that would meet with consensus in the Commission.

29. The draft resolution was adopted.

30. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of draft decisions 1 to 6 and draft resolution E/CN.4/2000/L.101, said that, for draft decision 1, the financial implications resulting from the Commission's resolution L.20 on the merger of the mandates of the Independent Expert on structural adjustment and the

Special Rapporteurs on foreign debt, thus creating a post for an Independent Expert on structural adjustment and foreign debt, would be reported to the Commission immediately after the conclusion of the consideration of agenda item 20.

31. Draft decision 2 had no financial implications. For draft decision 3, the financial implications arising from the shortening of the duration of the Working Group on Contemporary Forms of Slavery from eight to five days were savings of US$ 3,800 per year under section 22; savings under conference services that had not yet been costed. Draft decision 4 had no financial implications. Draft resolution E/CN.4/2000/L.101 had no financial implications. For draft decision 5, the financial implications arising out of the shortening of the duration of the Sub-Commission from four to three weeks were savings of US$ 32,500 per year under section 22 and savings under conference Services that had not yet been costed. For draft decision 6, the estimated costs were US$ 7,200 per year under section 22. The adoption of the draft resolution and the six draft decisions would thus result in overall net savings under section 22 for the current biennium; the proposed budget for 2002-2003 would reflect the revised requirements.

32. Draft resolution E/CN.4/2000/L.101 was adopted.

Draft decision on transitional arrangements concerning the 1503 procedure (E/CN.4/2000/L.102)

33. The draft resolution was adopted.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

34. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of three draft resolutions and one draft decision adopted the previous week and beginning with the draft resolution on food (E/CN.4/2000/L.19), said that the estimated costs for the planned activities were US$ 54,000 for the first year and US$ 35,600 for the second and third years. No provision had been made under the Programme Budget 2000-2001 to cover the mandate of the Special Rapporteur. The potential for absorption and any additional resources would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council. The estimated resources for 2002-2003 would be included in the proposed Programme Budget for that biennium. Conference services for the extra consultation would be provided on an as-available basis in accordance with existing practice and therefore no extra cost would be involved.

35. The estimated costs of the activities provided for in the draft resolution on human rights and extreme poverty (E/CN.4/2000/L.22) were US$ 54,800 for the first year and US$ 31,700 for the second year. Provision for the extension of the mandate had been made in the budget for the biennium 2000-2001; relevant provisions for 2002-2003 would be included in the proposed budget for that biennium. No provisions had been included in the budget 2000-2001 for the seminar to take place in August 2000. The potential for absorption as well as any additional resources required would be included in the final Programme Budget implications statement to

be submitted to the next session of the Economic and Social Council. Conference services for the seminar would be provided on an as-available basis in accordance with existing practice and no extra cost would therefore be involved.

36. The estimated cost of the activities envisaged under the draft resolution entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights" (E/CN.4/2000/L.17) was US$ 31,700 for the first year, US$ 92,900 for the second year and US$ 31,700 for the third year. No provisions had been included under the Programme Budget 2000-2001 to cover the mandate of the special rapporteur or the workshop. The potential for absorption as well as any additional resources required after taking into account any resources from mandates to be discontinued would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council. The estimate of resources for 2002-2003 would be included in the proposed Programme Budget for that biennium. Conference services for the workshop would be provided on an as-available basis in accordance with existing practice and no extra cost would therefore arise.

37. The estimated cost of the implementation of draft decision 2 on globalization and its impact on the full enjoyment of all human rights was US$ 26,200. No provisions had been included in the budget for the biennium 2000-2001 to cover the planned activities. The potential for absorption as well as any additional resources required after taking into account resources from mandates to be discontinued would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council.

Draft resolution on effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2000/L.20)

38. Mr. FERRER RODRÍGUEZ (Cuba), introducing the draft resolution on behalf of its sponsors, said that the text was based on the premise that structural adjustment policies and foreign debt were human rights issues. The foreign debt of the developing countries currently exceeded US$ 2.5 million millions. On average, more than 25 per cent of those countries' GDP went for debt servicing. That had an adverse impact not only on economic, social and cultural rights, since fewer resources were available for education, health, employment and other basic services, but also on civil and political rights, including the right to life. The main new element of the draft resolution was paragraph 18, which urged States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS. The text also requested the High Commissioner for Human Rights to take urgent action to strengthen the responsiveness of her Office in the area of economic, social and cultural rights. His delegation hoped that, as in the past, the draft resolution would be adopted by a large majority.

39. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Ecuador, Indonesia, Liberia and Sri Lanka and the observers for Angola, the Dominican Republic, Haiti, Nicaragua and Uruguay had become sponsors of the draft resolution.

40. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that the costs of the activities under the terms of the draft resolution were estimated at US$ 68,600 for the first year, US$ 68,600 for the second year and US$ 38,600 for the third year. No provisions had been included under the 2000-2001 Programme Budget to cover the mandate of the Independent Expert, but the discontinuation of the mandate of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the Independent Expert on structural adjustment policies would result in savings under the resources included for their respective mandates under section 22. The potential for absorption of the new mandate would be assessed against the savings accrued from discontinuing the two mandates; any additional net resources required would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council. The requirements for 2002-2003 would be included in a proposed Programme Budget for that biennium.

41. Mr. SALINAS (Chile) suggested that, in paragraph 13, the name of the Independent Expert should be deleted so as not to prejudice any decision by the Bureau in that regard.

42. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation was surprised that Chile should suddenly propose an amendment on a draft resolution that had been the subject of lengthy consultations and enjoyed wide support. During discussions in the inter-sessional Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights, it had been agreed that it would be best to appoint Mr. Fantu Cheru to the post. There were many precedents for citing the Independent Expert by name. For that reason, Chile's proposal was unacceptable to his delegation.

43. Mr. HYNES (Canada) said that his delegation backed Chile's proposal. The draft resolution on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/L.101), which the Commission had just adopted, endorsed the report of the inter-sessional Working Group (E/CN.4/2000/112), paragraph 7 of which stated that selection of mandate holders would continue to be the responsibility of the Chairperson following formal consultation with the Bureau and the regional groups through the regional coordinators. That constituted sufficient grounds for the proposed amendment, but it did not mean that the Commission was expressing a lack of confidence in Mr. Fantu Cheru. His delegation preferred to address the substantive issues in the draft resolution and to leave it to the Chairman and the Bureau to decide on the appointment, Mr. Fantu Cheru being an eminently qualified candidate.

44. Ms. MBONU (Nigeria) said that her delegation agreed with Cuba on retaining the name of the Independent Expert.

45. Mr. AKRAM (Pakistan) said that his delegation was unclear on the reason for the proposed amendment. It was to be hoped that the draft resolution would be adopted without a vote and that Mr. Fantu Cheru's name would be retained because the overwhelming majority of the members of the Commission wanted him to be appointed.

46. Mr. FERNÁNDEZ PALACIOS (Cuba) said that Canada and a number of other States invariably voted against the draft resolution under consideration, regardless of whether the Independent Expert was cited or not, because they did not want the issue of economic, social and cultural rights, and certainly not foreign debt, to be discussed in the Commission.

47. Mr. SALINAS (Chile) stressed that his delegation did not have a dislike for Mr. Fantu Cheru. It was simply a bad precedent to cite the Independent Expert by name.

48. Mr. CHÁVEZ BASAGOITIA (Peru), speaking in explanation of vote before the voting, said that, although his delegation would abstain on the draft resolution, it would vote against Chile's proposed amendment: the Commission on Human Rights had every right to appoint an independent expert or special rapporteur.

49. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) said that her delegation would back Chile's proposal. The text as it stood created a dangerous precedent and detracted from the Chairman's prerogative of appointing independent experts or special rapporteurs.

50. Mr. MENDONÇA E MOURA (Portugal) requested a short suspension for consultations.

The meeting was suspended at 7.35 p.m. and resumed at 7.45 p.m.

51. Mr. FERNÁNDEZ PALACIOS (Cuba) said that it had not been possible to reach a consensus on the question. His delegation disagreed with the United Kingdom: on no account did it create a precedent to cite the name of an independent expert for whose appointment there was, in any case, broad support in the Commission. His delegation called on all developing countries to vote against Chile's proposed amendment.

52. Mr. MENDONÇA E MOURA (Portugal) said that the European Union would support Chile's amendment. It was worth noting that, pursuant to paragraph 12 of draft resolution E/CN.4/2000/L.20, the Commission decided "to discontinue the mandates of", and was thus creating a new mandate. Paragraph 7 of document E/CN.4/2000/112 therefore applied.

53. Mr. PADILLA MENENDEZ (Guatemala) said that his delegation would vote against the proposed amendment and agreed with Pakistan that any number of examples of similar practice could be found in earlier resolutions.

54. Mr. AKRAM (Pakistan) said that his delegation would vote against the amendment: it considered Mr. Fantu Cheru to be an excellent choice; there were numerous precedents where the Commission had cited appointees by name and it was fully empowered to do so. The Chairman was not being deprived of any of his prerogatives because he could continue to select mandate holders if and when the Commission had not already done so. But the Chairman's prerogative flowed from the powers of the Commission and he acted on its behalf. Thus, by definition, the Commission could not encroach on the Chairman's prerogatives. His delegation believed that the proposal to delete the name of a person who had served the Commission well and whose reports were so highly regarded was not a good precedent.

55. Ms. ECKEY (Norway) said that her delegation would vote in favour of the amendment for the reasons stated by Chile and other delegations, but that did not constitute an expression of its view concerning Mr. Fantu Cheru.

56. At the request of the representative of Cuba, a vote was taken by roll-call on the proposed amendment to paragraph 13.

57. Sudan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against: Bangladesh, Bhutan, Botswana, Burundi, China, Colombia, Republic of Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia

Abstaining: Argentina, Brazil, Nepal, Russian Federation

Absent: Liberia.

58. The amendment to paragraph 13 proposed by Chile was rejected by 31 votes to 17, with 4 abstentions.

59. At the request of the representatives of the United Kingdom of Great Britain and Northern Ireland and Cuba, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.20, as a whole.

60. Mr. HARAGUCHI (Japan), speaking in explanation of vote before the voting, said that his delegation was well aware of the heavy burden which foreign debt repayment placed on the development efforts of countries, especially the heavily indebted poorest countries (HIPC). At the Cologne Summit in 1999, the G7 countries had therefore agreed on a 100 per cent reduction of their official development assistance (ODA) claims and a 90 per cent reduction and more, if necessary, of their non-ODA claims vis-à-vis HIPCs. His Government had recently decided to go beyond that initiative, announcing that it would reduce 100 per cent of its non-ODA claims against HIPCs. As important as structural adjustment policies were, they would be better taken up in the World Bank and the International Monetary Fund, which had the mandate and expertise to deal with them. For those reasons, Japan would vote against the draft resolution.

61. Pakistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Brazil, Burundi, China, Republic of Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia

Against: Canada, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Argentina, Chile, Colombia, Mexico, Peru, Republic of Korea, Russian Federation

Absent: Liberia.

62. Draft resolution E/CN.4/2000/L.20, as a whole, was adopted by 30 votes to 15, with 7 abstentions.

63. Mr. HUTH (Germany), speaking in explanation of vote after the voting, said that, by adopting draft resolution E/CN.4/2000/L.20, the Commission had effectively deprived the 200 member States of the United Nations of the right to nominate qualified persons for the mandate of Independent Expert. Such an appointment was neither democratic nor in the spirit of draft decision E/CN.4/2000/L.101.

64. The CHAIRMAN said that the Commission had thus concluded its consideration of draft resolutions under agenda item 10.

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 16)

(a) REPORT AND DRAFT DECISIONS (continued)

Draft resolution on the work of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2000/L.77)

65. Ms. PRANCHERE-TOMASSINI (Luxembourg), introducing the draft resolution, said that, following consultations, her delegation proposed a number of changes to the text. First, the phrase "as outlined in the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights" should be added at the end of paragraph 1 (b). Secondly, as the discussion on the draft resolution had been deferred until after the adoption of decision E/CN.4/2000/L.101 on the report of the Working Group on the Reform of Mechanisms, preambular paragraph (c) should end after the words

"paragraphs 42 to 56" and paragraph 2 should read: "Decides that the issue of the work of the Sub-Commission will be considered again at its fifty-seventh session under the relevant agenda item". It was to be hoped that the draft resolution would be adopted without a vote.

66. Ms. IZE-CHARRIN (Secretary of the Commission) said that the observer for Ukraine had become a sponsor of the draft resolution.

67. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

68. The draft resolution was adopted.

69. The CHAIRMAN said that the Commission had thus concluded its consideration of draft resolutions under agenda item 16.

INDIGENOUS ISSUES (agenda item 15) (continued)

Draft resolution on the establishment of a Permanent Forum on Indigenous Issues (E/CN.4/2000/L.68)

70. Mr. LEHMANN (Observer for Denmark) said that, following consultations, it was proposed that, in paragraph 1, the words "assisted by the Bureau" should be replaced by "having obtained the views of the regional groups through formal consultations with the Bureau". An alternative proposal had been that those words should be replaced by "following formal consultations with the Bureau and regional groups through the coordinators". In paragraph 8, it was proposed that the words "make a decision concerning the continued functioning of the Working Group on Indigenous Populations and conduct a" should be deleted, that the words "without prejudging any outcome" should be added after "review" and that the phrase "including the Working Group on Indigenous Populations" should be added after "issues". Final informal consultations with interested delegations would be held the next morning.

71. The CHAIRMAN said that the consideration of the draft resolution would resume in the afternoon of the next day.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued)

Draft resolution on defamation of religions (E/CN.4/2000/L.6)

72. Mr. AKRAM (Pakistan), introducing the draft resolution on behalf of the member States of the Organization of the Islamic Conference (OIC), said that it sought to address a central concern of the OIC, namely, defamation of religions and especially Islam. Although Islam had given the world the first charter of human rights, it was depicted in some parts as being inimical to human rights norms. Some had tried to portray Islam as an ideological opponent and even as a threat to international stability, of which the use of the words "Islamic terrorism" was a prime example. In the course of the current session, such defamation of Islam had been heard not only from certain non-governmental organizations, but even from some delegations. The goal of

juxtaposing those two words was to associate Islam with the most cowardly form of violence: terrorism against innocent people. In reality, acts of terrorist violence were completely incompatible with the precepts and practices of Islam, which was a religion of peace. The purpose of such a falsification was often to justify repression against Muslim peoples. A malicious effort was also being made to portray feudal and tribal phenomena which had no sanction from Islam, such as so-called "honour killings" and female genital mutilation, as being associated with Islam. The draft resolution aimed to take the process of promoting harmony, understanding and tolerance towards all religions further forward. Since tolerance was one of its themes, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should also consider the question of defamation of religions. It had therefore been agreed in the consultations leading to the current text that Governments, intergovernmental and regional organizations should help provide the Conference with input.

73. Following extensive negotiations, the sponsors had reached a consensus on an amended version of the draft resolution. The OIC would not introduce the amendments in document E/CN.4/2000/L.96 on the understanding that the European Union amendments to document E/CN.4/2000/L.18 would be withdrawn. The proposed changes were that: the words "and xenophobia" in the third preambular paragraph should be deleted; a new paragraph should be added after the third preambular paragraph to read: "Recognizing that discrimination based on religion or belief constitutes an offence to human dignity and a violation of human rights"; the word "xenophobia" in the fourth preambular paragraph should be deleted; the word "xenophobia" in paragraph 4 should be deleted; paragraph 5 should be replaced by the following: "Invites Governments, intergovernmental and regional organizations to provide their views on the religious perspectives of combating racism to the Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and invites her to present these inputs to the World Conference on Racism through its preparatory process"; the word "and" should be added after "Special Rapporteur on Religious Intolerance" and the words "and the Committee on the Elimination of Racial Discrimination" and "at its fifty-seventh session" should be deleted in paragraph 6; and paragraph 7 should be replaced by the phrase: "Remains seized of the matter".

74. It was to be hoped that the draft resolution would be adopted by consensus.

75. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, said that, the previous year, the European Union had joined the consensus on the adoption of resolution E/CN.4/1999/82, also entitled defamation of religions, but had noted that the last-minute agreement reached could not hide the fact that considerable uncertainty had remained as to whether such a matter should be dealt with in the Commission in the future. Those doubts persisted. In the view of the European Union, maintaining that kind of resolution on the agenda would only distract the Commission from its responsibility of promoting freedom of all religions and beliefs. The European Union was particularly concerned that the draft resolution could be read as focusing on one particular religion. Some of the most controversial language contained in resolution E/CN.4/1999/82 continued to be used in draft resolution E/CN.4/2000/L.6. The European Union therefore urged the sponsors of the draft resolution not to raise the subject again in the Commission. Based on that understanding of paragraph 7 of the text, the European Union would join the consensus on the adoption of draft resolution E/CN.4/2000/L.6, as amended by the delegation of Pakistan. The European Union stressed once again the need for the full

involvement of NGOs in the World Conference and its preparatory process. For the reasons just explained, the European Union would withdraw its proposed amendments to draft resolution E/CN.4/2000/L.18.

76. Mr. SABHARWAL (India) said that India strongly opposed all forms of discrimination on grounds of religion or belief. During the consideration of the precursor to the current draft resolution, his delegation had stated its unequivocal opposition to the defamation or negative stereotyping of any religion, including Islam. It also strongly condemned attempts in some quarters to associate Islam with terrorism or to portray it as a religion which condoned human rights violations. A terrorist had no religion, since hatred, intolerance and violence were his creed. At the same time, his delegation was against obscurantist and self-serving distortions of religious values to spread or justify the cult of violence and terrorism.

77. His delegation had three major concerns with the draft resolution. First, the issue before the Commission fell within the rubric either of religious intolerance or abuse of freedom of expression to offend sentiments of religious groups; both were best addressed under the agenda item on civil and political rights. It was not clear to his delegation why the draft resolution was being considered under the agenda item on racism. Secondly, defamation and negative stereotyping were not problems confined to any one religion. Thirdly, manifestations of discrimination on grounds of religion or belief were prevalent in all parts of the world and were certainly not directed at Islam alone. However, in view of the importance that it attached to religious tolerance and pluralistic diversity, India would not stand in the way of draft resolution E/CN.4/2000/L.6.

78. The draft resolution was adopted.

79. The CHAIRMAN said that the Commission had thus concluded its consideration of draft resolutions under agenda item 6.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Dates of the fifty-seventh session of the Commission

80. The CHAIRMAN said that, at its 67th meeting on 26 April 2000, the Commission on Human Rights, recalling Economic and Social Council decision 1994/297 of 29 July 1994 and bearing in mind Council decision 1995/296 of 25 July 1995, had decided, without a vote, that the fifty-seventh session of the Commission should be scheduled to take place from 19 March to 27 April 2001.

Organization of the work of the fifty-seventh session of the Commission

81. The CHAIRMAN said that, at its 67th meeting on 26 April 2000, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda and recalling that, in previous years, the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-sixth sessions, had decided without a vote: (a) to recommend to the

Council that it authorize, if possible and within existing financial resources, 30 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council for the Commission's fifty-seventh session; (b) to request the Chairperson of the fifty-seventh session of the Commission to make every effort to organize the work of the session within the time normally allocated so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

82. It was so decided.

The meeting rose at 8.45 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 68th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 27 April, at 4 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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CONSIDERATION OF DRAFT RESOLUTIONS UNDER AGENDA ITEMS 13, 18 AND 15 (continued)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-13650 (E)

The meeting was called to order at 4.10 p.m.

CONSIDERATION OF DRAFT RESOLUTION UNDER AGENDA ITEM 13

Draft resolution E/CN.4/2000/L.94 (Rights of the Child)

1. Ms. VIVAS (Observer for Uruguay), introducing the revised text of draft resolution E/CN.4/2000/L.94 on behalf of the Group of Latin American and Caribbean States (GRULAC), said that it reflected a global vision of the rights of the child.

2. The structure of the text, based on the provisions of the Convention on the Rights of the Child, was new. Each section of the document highlighted specific measures to be taken on the basis of the general principles stated in the preamble. The preamble had been strengthened by introducing the concept of family as the basic group of society and the natural environment for the development and well-being of children, and by mentioning the new instruments which had been adopted, namely, the two Optional Protocols to the Convention on the Rights of the Child and ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Given the extra work that the two Optional Protocols would involve for the Committee on the Rights of the Child, it was crucial that States should accept without delay the amendment to article 43, paragraph 2, of the Convention, as requested in the draft resolution.

3. In section I of the document the Commission urged States which had not yet done so to sign and ratify the Convention on the Rights of the Child and called upon States parties to implement the Convention fully.

4. Section II, entitled "Protection and promotion of the rights of children" left open the possibility of introducing certain rights each year as priorities changed. It comprised four parts. The first part, on identity, family relations and birth registration, was to a large extent new. The second, dealing with health, also included new paragraphs on the protection, treatment and rehabilitation of children infected or affected by HIV/AIDS. In the third, States were requested to adopt all necessary measures in the area of education, and all relevant actors were encouraged to emphasize respect for human dignity, tolerance and non-discrimination. The fourth part, which reaffirmed the right not to be subjected to violence, was completely new. It was designed to protect children against all forms of violence wherever it might occur.

5. Section III was new and grouped three subjects under the heading of "Non-discrimination": girl children, children with disabilities and migrant children.

6. Section IV discussed the protection and promotion of the rights of children in particularly vulnerable situations (children working and/or living on the street, refugee and internally displaced children, children working in conditions contrary to internationally acceptable standards and children alleged to have or recognized as having infringed the penal law).

7. Sections V and VI listed the measures to be taken in the areas of prevention and eradication of the sale of children, child prostitution and child pornography, as well as the

protection of children affected by armed conflict. Section VII set forth measures designed to promote the recovery and social reintegration of child victims of violations of rights, as provided for under the Convention.

8. A change should be made in the thirteenth paragraph of the preamble so as to take into account the adoption of the Optional Protocols to the Convention on the Rights of the Child. The words "the relevant Working Groups of" should be deleted and the words "by its resolution ... of 26 April 2000" added before "of a draft optional protocol". The beginning of the paragraph would then read as follows "Welcoming the adoption by the Commission on Human Rights, by its resolution ... of 26 April 2000, of a draft optional protocol ...".

9. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that the draft resolution was being sponsored by all the members of GRULAC and of the European Union. The list of all the sponsors was now as follows: Albania, Algeria, Argentina, Australia, Bangladesh, Belarus, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Georgia, Greece, Haiti, Honduras, Hungary, India, Ireland, Israel, Japan, Liechtenstein, Lithuania, Luxembourg, Nepal, New Zealand, Nicaragua, Pakistan, Paraguay, Peru, Philippines, Poland, Rwanda, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Swaziland, Switzerland, Togo, Tunisia, Turkey, Ukraine and Viet Nam.

10. Mr. PETIT (France), speaking on a point of order, asked what official document was under consideration.

11. Ms. IZÉ-CHARRIN (Secretary of the Commission) explained that the text of the revised version of draft resolution E/CN.4/2000/L.94 had been distributed the previous evening to all participants on the request of GRULAC and of the European Union. The final text of the draft would be issued as document E/CN.4/2000/L.11. As that version was not yet available, the Commission was considering document E/CN.4/2000/L.94, in its revised form.

12. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, noted with satisfaction the new structure of the draft resolution, which was a significant improvement. Not only did it reflect recent developments in respect of the rights of the child but its content was also now more accessible to the wider public.

13. The European Union also welcomed the cooperation that had been established between it and GRULAC, which it hoped would be strengthened, as well as the active participation of many other delegations whose contributions had enriched the discussions.

14. During the negotiations the European Union had agreed to several changes in the draft resolution in order to accommodate the concerns of one member of the Commission. It thought that those concessions, which concerned references to the Convention on the Rights of the Child, would enable that delegation to become a sponsor of the Resolution, which unfortunately had not been the case. The European Union therefore wished to state that the wording of the provisions that had been amended should not be regarded as setting a precedent, and that it reserved the right to revert to the matter subsequently.

15. Mr. PETIT (France), having thanked the Secretariat for its explanations, said that France welcomed the adoption of the two Optional Protocols to the Convention and hoped that they would soon come into force. He urged all States to become parties to them and to implement them without delay. Emphasizing the importance of the principles of non-selectivity and universality in human rights matters, he drew attention to paragraph 2 of the draft resolution. By ratifying the Convention without delay, as the Commission had urged, States which had not yet done so would confirm the commitment which they had assumed during the negotiation of the two Protocols and which had led the participating States to allow them to become parties to those new instruments without having ratified the basic Convention. Belgium, moreover, shared that point of view.

16. Ms. KWIECINSKI (Secretariat) said that the draft resolution would not have any financial implications.

17. Draft resolution E/CN.4/2000/L.94, as revised, was adopted without a vote.

18. Mr. KOH (United States of America) said that his delegation was pleased to associate itself with the consensus on draft resolutions E/CN.4/2000/L.94 (Rights of the Child) and E/CN.4/2000/L.62 (Question of draft optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography). It hoped that the Economic and Social Council and the General Assembly would adopt those protocols rapidly, and that they would be rectified and implemented without delay by all countries. His delegation welcomed the provisions that enabled the United States to become a party to the protocols even though it was not a party to the Convention. Although the United States had become a signatory, the instruments still had to be approved by the Senate. Human rights commitments should be judged by acts as well as words, and he noted that his Government had done its utmost to protect the rights of the child by adopting practical and legal guarantees.

19. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 13.

CONSIDERATION OF DRAFT RESOLUTION UNDER AGENDA ITEM 18

Draft resolution E/CN.4/2000/L.82 (Human rights and thematic procedures)

20. Mr. SOMOL (Czech Republic) said that consultations had made it possible to reach a consensus on the text. At the request of the Cuban delegation, it had been decided that the following paragraph would be added to the end of the preamble:

> "Noting further that members of particular groups, including but not necessarily limited to, national or ethnic, religious and linguistic minorities, migrants, human rights defenders, indigenous persons, persons with disabilities, persons affected by human immunodeficiency virus/acquired immune deficiency syndrome and elderly persons may be especially vulnerable to abuses of their human rights and may deserve specific attention in the context of reporting on violations of their human rights,".

21. Consequently, the words "and members of other vulnerable groups" should be deleted from what became the penultimate paragraph of the preamble.

22. Ms. IZÉ-CHARRIN (Secretary of the Commission) announced that Belarus had also become a sponsor of the draft resolution.

23. Ms. KWIELINSKI (Office of the United Nations High Commissioner for Human Rights) said that the draft resolution did not have any financial implications.

24. Draft resolution E/CN.4/2000/L.82, as amended orally, was adopted without a vote.

25. Mr. KOH (United States of America), recalling that his country had joined the consensus on draft resolution E/CN.4/2000/L.89 (Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region), wondered how the various activities proposed following the eighth workshop held in Beijing from 1 to 3 March 2000, as described in the annex to the Secretary-General's report (E/CN.4/2000/102), would be financed. His delegation intended, together with the Office of the United Nations High Commissioner for Human Rights and the sponsors of the resolution, to seek ways of funding those activities through existing resources and/or voluntary contributions. It also hoped to discuss the matter, along with others raised during the eighth workshop - and in particular proposals for the participation of national human rights institutions in organizing the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance - with the delegations of States from the region.

26. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 18.

CONSIDERATION OF DRAFT RESOLUTION UNDER AGENDA ITEM 15

Draft resolution E/CN.4/2000/L.68 (Establishment of a Permanent Forum on Indigenous Issues)

27. Mr. LEHMANN (Observer for Denmark) said that, following frank and constructive consultations, delegations had agreed to amend paragraphs 1 and 8 of draft resolution E/CN.4/2000/L.68. In paragraph 1, it had been decided first, to replace the words in parentheses by the following "Following formal consultation with the Bureau and the regional groups through their coordinators" and secondly, to add the following words before the semi-colon: "including internal processes, when appropriate, and local indigenous consultation processes;". As for paragraph 8, it would read as follows: "Further decides that once the Permanent Forum has been established and has held its first annual session, the Council will, without prejudging any outcome, review all existing mechanisms, procedures and programmes with the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness."

28. Mr. ALFONSO MARTINEZ (Cuba) thanked the Danish delegation for having achieved a consensus on the text under consideration. Unfortunately, as it had not been possible to accommodate all the concerns that had been voiced, the Cuban delegation requested a separate

vote on paragraphs 1 and 8 of the draft resolution. Furthermore, he proposed the addition of the following new paragraph to the preamble: "Stressing that the establishment of a Permanent Forum on Indigenous Issues should not necessarily result in the abolition of the Working Group on Indigenous Populations" because for a long time certain delegations had wanted the Working Group on Indigenous Populations to be phased out as soon as the permanent forum was established. Yet the Working Group played a very important role for those populations, and even if it had perhaps been controversial at times, it had the merit of promoting a better understanding of the problems of indigenous peoples. His delegation therefore wished to dissociate the establishment of a permanent forum from the abolition of the Working Group. Financing was not the problem. The Working Group on Indigenous Populations cost only $20,000 whereas the proposed forum would be incomparably more expensive.

29. Ms. MBONU (Nigeria) supported Cuba's position. Paragraph 8, as modified by the Danish delegation, was not satisfactory because it drew attention to the Working Group on Indigenous Populations and, as a result, gave the impression that it should be treated in a different manner.

30. Mr. LEHMANN (Observer for Denmark) said he was extremely surprised by the Cuban representative's statement, since the point he had raised had been discussed during the informal consultations and it had seemed that the situation was clear to everyone. In his view, the text he had proposed was quite neutral. It simply said that when the forum became operational the Economic and Social Council would consider all mechanisms relating to indigenous populations, including the Working Group on Indigenous Populations. The new paragraph proposed by Cuba, on the other hand, was not at all neutral. It stood as a kind of warning to the Economic and Social Council, from the outset indicating what it should or should not do. He appealed to the Cuban delegation to let the wording he had proposed stand.

31. Mr. DO NASCIMENTO (Brazil) said that although he supported the text proposed by the Danish delegation he was not opposed to the addition of a new paragraph, as suggested by the Cuban representative, who had always been in favour of setting up an independent forum for indigenous peoples. His sincerity was therefore unquestionable and his concern about the possible disappearance of the Working Group on Indigenous Populations was legitimate.

32. Mr. GONZALEZ DE LINARES PALOU (Spain) said that he too understood the concerns expressed by the Cuban delegation. Under Ms. Daes's guidance the Working Group on Indigenous Populations had done remarkable work and the establishment of a permanent forum should not automatically lead to its abolition. There was a very simple way out of the dilemma faced by the Commission in E/CN.4/2000/L.68: the amendment proposed by the Cuban delegation could be slightly modified. What the Spanish delegation objected to in that amendment was the word "abolition", because it seemed to prejudge the outcome of the Economic and Social Council's consideration of the matter. He therefore suggested the following new wording: "Stressing that the establsihment of the permanent forum should lead to a careful consideration of the future of the Working Group on Indigenous Populations". That wording was also more constructive than that proposed by the Cuban representative.

33. Ms. RODRIGUEZ-MANCIA (Guatemala) regretted that, despite all the Danish delegation's efforts and the compromises made on both sides, more headway had not been made

on that draft resolution. Her delegation did not object to the content of the amendment proposed by the Cuban representative even if it disrupted the balance of the text, provided that the wording proposed by the Spanish delegation was retained. In any event, he was not in favour of a separate vote on paragraphs 1 and 8 in their revised form.

34. Mr. MENDONÇA E MOURA (Portugal) was of the view that the Spanish amendment was most ingenious and urged all delegations to accept it.

35. Mr. ALFONSO MARTINEZ (Cuba) thanked the Brazilian, Portuguese and Spanish delegations for their statements. He pointed out that it was not Cuba that had linked the establishment of a permanent forum to the abolition of the Working Group on Indigenous Populations. It was the Bureau of the Commission at its fifty-fourth session that had first brought the matter up in 1998. The possibility of its abolition was, moreover, mentioned in paragraph 56 of the ad hoc working group's report on the permanent forum (document E/CN.4/2000/86) in the following terms "Many indigenous representatives stated that the establishment of the permanent forum should not result in the abolition of the Working Group on Indigenous Populations".

36. His delegation would be prepared to accept the wording proposed by the Spanish representative subject to the addition of the following words at the end: "to avoid needless duplication of the respective mandates of the two bodies", which would emphasize that there was no contradiction between the mandate of the Working Group on Indigenous Populations and that of the permanent forum.

37. The CHAIRMAN suggested the adjournment of the meeting to enable the Cuban, Danish, Guatemalan, Nigerian and Spanish delegations to hold consultations on the amendments proposed.

38. The meeting was suspended at 5.25 p.m. and resumed at 6.15 p.m.

39. Mr. ALFONSO MARTINEZ (Cuba) regretted that the consultations had not led to a compromise. He wished to point out that the wording he proposed adding in fact represented a concession, in that it placed the Working Group on Indigenous Populations, which existed and had a clear mandate, on the same footing as the permanent forum, which did not yet exist. That was why Cuba would support that wording if it were put to a vote.

40. Mr. GONZALEZ DE LINARES PALOU (Spain) was of the view that the wording he had proposed was positive and perfectly neutral, whereas Cuba's sub-amendment established an unnecessary link between the two bodies; all aspects of the question should be taken into account and not only the issue of mandates.

41. Mr. HYNES (Canada) supported the Spanish representative's proposal since it left all options open. The text was more balanced than that proposed by the Cuban representative which anticipated the results of the Economic and Social Council's examination of mechanisms relating to indigenous peoples.

42. Mr. WANG Min (China) requested the Secretary of the Commission to read out the Cuban sub-amendment to be voted on by the Commission.

43. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that the wording that the Cuban representative had proposed should be added to the amendment proposed by Spain was as follows: "to avoid needless duplication of the respective mandates of the two bodies".

44. Ms. MBONU (Nigeria) supported the Cuban text and regretted the lack of flexibility shown by certain delegations.

45. Ms. RODRIGUEZ-MANCIA (Guatemala) felt that the sub-amendment proposed by the Cuban representative was unnecessary. Paragraph 8 of the draft resolution already spelled out the need to avoid duplication and overlaps.

46. Ms. NASCIMBE DE DUMONT (Argentina) agreed with the Guatemalan representative. If the Cuban sub-amendment were put to the vote she would vote against.

47. Ms. JANJUA (Pakistan), referring to rule 65 of the rules of procedure of the functional commissions of the Economic and Social Council, pointed out that proposals had to be voted on in the order in which they had been submitted.

48. Mr. GONZALEZ DE LINARES PALOU (Spain) said that in the present case it was article 64 that was applicable. In other words, when two or more amendments were moved to a proposal, the amendment furthest removed in substance from the original proposal was to be voted on first.

49. At the request of the representative of Cuba, a vote was taken by roll-call on the sub-amendment proposed by Cuba to the text proposed by Spain.

In favour: Brazil, Burundi, China, Cuba, Nigeria, Pakistan, Republic of the Congo, Russian Federation, Sudan, Swaziland, Zambia.

Against: Argentina, Canada, Chile, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Peru, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining: Bangladesh, Bhutan, Botswana, Colombia, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Phillipines, Qatar, Republic of Korea, Rwanda, Senegal, Sri Lanka, Tunisia, Venezuela.

50. The sub-amendment proposed by Cuba to the text proposed by Spain was rejected by 21 votes to 11, with 20 abstentions.

51. Mr. ALFONSO MARTINEZ (Cuba) pointed out that the wording proposed by Spain was positive only in appearance, because mention of the future of the Working Group was tantamount to casting doubt on its future existence. As a result, if the amendment proposed by Spain to his own amendment was put to the vote he would vote against.

52. Ms. IZE-CHARRIN (Secretary of the Commission) once again read aloud the text proposed by Cuba and redrafted by Spain: "Stressing that the establishment of the permanent forum should lead to a careful consideration of the future of the Working Group on Indigenous Populations".

53. Ms. RODRIGUEZ-MANCIA (Guatemala) said that she fully agreed with that wording, which in no way prejudged the future of the Working Group. She hoped that delegations would support that text.

54. At the request of the representative of Cuba, a vote was taken by roll-call on the text proposed by Spain.

In favour:	Argentina, Canada, Chile, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Mexico, Norway and Spain.
Against:	Burundi, China, Cuba, Nigeria, Russian Federation, Switzerland.
Abstaining:	Bangladesh, Bhutan, Botswana, Brazil, Colombia, Ecuador, India, Indonesia, Madagascar, Morocco, Mauritius, Nepal, Niger, Pakistan, Phillipines, Qatar, Republic of Korea, Republic of the Congo, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia, United States of America,Venezuela, Zambia.

55. The text proposed by Spain was adopted by 20 votes to 6, with 26 abstentions.

56. After an extensive procedural discussion in which Mr. ALFONSO MARTINEZ (Cuba), Ms. MBONU (Nigeria), Ms. RODRIGUEZ-MANCIA (Guatemala), Mr. CHAVEZ (Peru), Mr. OYARCE (Chile), Mr. GONZALES DE LINARES PALOU (Spain), Mr. BHATTI (Pakistan), Mr. KOH (United States of America) and Mr. JAKUBOWSKI (Poland) took part on the follow-up to the amendment initially proposed by Cuba and redrafted by Spain, the CHAIRMAN decided to suspend the meeting.

57. The meeting was suspended at 7.10 p.m. and resumed at 7.20 p.m.

58. The CHAIRMAN said that a consensus had emerged in favour of maintaing the paragraph proposed by Cuba and amended by Spain.

59. Paragraph 1 of draft resolution E/CN.4/2000/L.68, as amended by the Danish delegation, was adopted by 43 votes to none, with 9 abstentions.

60. Paragraph 8 of draft resolution E/CN.4/2000/L.68, as redrafted by the Danish delegation, was adopted by 35 votes to none, with 16 abstentions.

61. At the request of the representative of Guatemala, a vote was taken by roll-call on the draft resolution as a whole.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, China, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Luxembourg, Mexico, Nepal, Norway, Pakistan, Peru, Phillipines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: None.

Abstaining: Burundi, Cuba, Madagascar, Mauritius, Morocco, Niger, Nigeria, Republic of the Congo, Sudan.

62. Draft resolution E/CN.4/2000/L.68, as amended, was adopted by 43 votes to none with 9 abstentions.

63. Mr. SABHARWAL (India) said that his delegation had voted for the draft resolution, but but recalled that the Coordinator of the Group of Asian States had expressed reservations about the text when the draft resolution was being discussed on 25 April. The Indian delegation maintained its reservations and hoped that they would be taken into account when the matter was taken up subsequently.

64. Mr. KOH (United States of America) said that although his delegation had voted for the draft resolution it was still concerned about the way in which future members of the permanent forum were to be selected as well as by the financial viability of the project. It hoped that future members would be selected in a transparent manner and had therefore supported paragraph 1, as reworded by the Danish representative. On the other hand, as his delegation was convinced that the Working Group on Indigenous Populations should cease to exist once the permanent forum was created, it had abstained from the vote on paragraph 8.

65. Mr. OYARCE (Chile) regretted that it had been necessary to vote on the text. The lesson to be learned from the debate, nevertheless, was that a transition period was absolutely necessary so that the functioning of the permanent forum and other mechanisms relating to indigenous populations could be evaluated.

66. Ms. RODRIGUEZ-MANCIA (Guatemala) welcomed the fact no delegation had voted against the draft resolution creating a permanent forum. Guatemala, half of whose population was indigenous, attached particular importance to the matter, and it hoped that the Economic and Social Council would take favourable action on the resolution. In her view the concerns expressed by several delegations in connection with the selection of forum members were allayed by paragraph 7, which stated that the Economic and Social Council would evaluate the method used for the selection of members. Lastly, she said that her delegation, which shared the views of the Chilean delegation concerning the need for a transition period, believed the body should be called the Forum of Indigenous Peoples.

67. Mr. LORD (Canada) said he shared the satisfaction expressed by other delegations at the adoption of a text that marked a historic turning point and that had been in the planning stage for so long.

68. Mr. ALFONSO MARTINEZ (Cuba) said that he had abstained from the vote on the draft resolution because, in his opinion, the text had not been considered in sufficient depth. In particular, it did not remove persistent doubts about the fate of the Working Group on Indigenous Populations. He was convinced that it would no longer exist in two years' time. Adoption of the draft resolution had simply put off the inevitable.

69. Mr. ROSENBERG (Ecuador) said that his delegation had supported the draft resolution, because in its view the text did not necessarily imply the end of the Working Group on Indigenous Populations which for years had effectively served the cause of indigenous rights.

The meeting rose at 7.45 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 69th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 28 April 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Commission at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.00-13686 (E)

The meeting was called to order at 3.35 p.m.

DRAFT PROVISIONAL AGENDA FOR THE FIFTY-SEVENTH SESSION OF THE COMMISSION (agenda item 21 (a)) (E/CN.4/2000/L.1)

1. The CHAIRMAN drew attention to the draft provisional agenda for the fifty-seventh session of the Commission (E/CN.4/2000/L.1), distributed in an unedited version in English only, containing the list of documents concerning each agenda item. If there was no objection, he would take it that the Commission wished to take note of the document.

2. It was so decided.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-SIXTH SESSION OF THE COMMISSION (agenda item 21 (b)) (E/CN.4/2000/L.99, E/CN.4/2000/L.10 and Add.1 to 17 and E/CN.4/2000/L.11 and Add.1 to 8)

Draft decision E/CN.4/2000/L.99 (Report of the Commission to the Economic and Social Council on its fifty-sixth session)

3. Mr. REYES RODRIGUEZ (Cuba), introducing the draft decision, said that up to 1989 a summary of the administrative and programme budget implications of the resolutions and decisions adopted had always been annexed to the report of the Commission. The draft decision was intended to restore that practice so as to facilitate the work of all delegations to the session of the Economic and Social Council, which was required to take a decision on the resolutions and decisions submitted to it by the Commission and contained in the first part of the report. His delegation trusted that, in view of that consideration, the Commission could adopt the draft by consensus.

4. The draft decision E/CN.4/2000/L.99 was adopted without a vote.

5. Ms. GERVAIS-VIDRICAIRE (Canada), Rapporteur of the Commission, introduced the report of the Commission on its fifty-sixth session, which was in two parts. The first part (E/CN.4/2000/L.11 and Add.1 to 8) consisted of a compilation of 87 resolutions and 13 decisions adopted by the Commission. The second part (E/CN.4/2000/L.10 and Add.1 to 17) contained a description of the work of the Commission, principally the general debate and the vote on the resolutions and decisions on the various agenda items. It also contained the four statements made by the Chairman. In order to make the report easier to read, the content of the general debate appeared in the form of a table which would be annex 3 to the report, provisionally distributed with the symbol E/CN.4/2000/Misc.3.

6. The Commission's report dealt with the technical aspects of its work. For all information on the substance of the debate, reference should be made to the summary records of the meetings (E/CN.4/2000/SR.1 to 69). Chapter I, containing the draft resolutions and draft decisions to be submitted for approval to the Economic and Social Council, and Chapter II, containing the resolutions and decisions adopted by the Commission, would be available for consideration at

the Council's next session in July 2000. The draft report was subject to correction; members of the Commission had a week to submit corrections to document E/CN.4/2000/L.10 and its addenda and to draft annex 3 to the report.

7. She thanked the secretariat for its most valuable assistance and mentioned in that regard the important contribution the interns had made. She hoped that the clearer presentation of the report would make it easier to consult.

8. The CHAIRMAN said that, as at previous sessions, the draft report would be adopted ad referendum, on the understanding that the final version would be prepared by the Rapporteur with the assistance of the secretariat. If there was no objection, he would take it that the Commission accepted that procedure.

9. It was so decided.

CLOSURE OF THE SESSION

10. Ms. ROBINSON (United Nations High Commissioner for Human Rights) said that the spirit of cooperation and dialogue that had prevailed during the session had enabled the Commission to achieve results for which she wished to express her appreciation.

11. With reference to the issue of equality, the Commission had shown its determination to combat all forms of discrimination, and the importance it attached to the preparations for the World Conference to Combat Racism. The Office of the High Commissioner for its part intended to do its utmost to make the Conference an event of decisive importance and, at the start of a new century, register the message that all human beings were members of one and the same family.

12. She also welcomed the adoption of resolutions emphasizing equal rights for women and condemning, in addition to discrimination against them in many areas, the abhorrent phenomenon of trafficking in women and children. It was important to mobilize consciences against those terrible violations of fundamental rights as preparations were being made to review the Beijing Platform for Action adopted five years earlier.

13. Progress had been made towards the establishment of a Permanent Forum on Indigenous Issues, which would ensure a regular exchange of information between Governments, the United Nations and indigenous peoples.

14. The adoption of two protocols to the Convention on the Rights of the Child sent a strong signal that protection of the rights of every child was a matter of the highest priority on the agenda of the international community.

15. In devoting its special dialogue to poverty and its debilitating consequences for the realization of human rights and in deciding to recommend the appointment of two new special rapporteurs, on the right to food and on the right to housing, the Commission had shown its intention of applying in a practical form the principles of the indivisibility and the interdependence of all human rights.

16. The Commission's decision to recommend the appointment of a Special Representative of the Secretary-General on the protection of human rights defenders had been acclaimed throughout the human rights movement. It would undoubtedly go down as one of the great achievements of the Commission. It was shameful that those who sought to defend human rights, including representatives of non-governmental organizations present at the session, should be the target of attacks in their countries. The international community should make clear its solidarity with human rights defenders, in particular by ensuring that the Special Representative could carry out his mandate without hindrance.

17. The Commission's recognition of the importance of the Office of the High Commissioner's programme of advisory services and technical cooperation and the fact that the Commission had recognized the need for further resources for the Office was a source of satisfaction, as was the interest in seminars and workshops organized with the latter's help.

18. She also noted a growing sense of appreciation in the Commission for the work of its rapporteurs, the sum of whose reports constituted a veritable world report on human rights. In her Annual Appeal for voluntary contributions, she had set out her hopes for the strengthening of special procedures and support for treaty bodies.

19. On the subject of reform, the Commission had again shown in the year 2000 that through dialogue and cooperation constructive reforms could be achieved. The decisions it had taken in that regard were tangible contributions to the process of reform launched by the Secretary-General.

20. At the start of the session, she had urged the Commission to address the crucial question of the prevention of gross human rights violations. It was one of the greatest challenges facing the international community. There was scope for further action in that area and at future sessions the Commission should seek means of elaborating strategies which could have a practical impact. She was prepared to work closely with the Bureau and with members of the Commission to mobilize efforts in that direction.

21. The principle of prevention concerned not only the violation of civil and political rights but also that of economic, social and cultural rights. She had in mind the current situation in the Horn of Africa. It was crucial that the international community should respond to that situation from a human rights point of view. It must act preventively. As the Secretary-General's Special Envoy, Ms. Catherine Bertini, who had just conducted a mission to the region, had observed, three consecutive years of drought had deprived some 16 million people of food and water and threatened their existence. The relief assistance currently in the pipeline should suffice for the next two to three months, but the situation could become critical after the month of June if the promised aid did not arrive. She wished to launch a solemn appeal to the international community to prevent a new humanitarian catastrophe. Governments, for their part, should do everything possible to ensure the unhindered passage of relief assistance; that involved efforts to ensure peace and security. The situation in the Horn of Africa provided an opportunity for the practical implementation of the interdependence and indivisibility of human rights and could be considered a test case. It was her intention to keep the Bureau of the Commission on Human Rights informed of developments in the region so that the Commission itself could watch over the protection of the right to life in that situation.

22. The CHAIRMAN said that, as the first session of the Commission in a new century, the fifty-sixth session of the Commission was of historic importance. It could be satisfied with what it had achieved in six weeks although much remained to be done. In particular, in resolution 2000/59 it had adopted the two optional protocols to the Convention on the Rights of the Child, concerning the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. The effective implementation of those protocols should contribute to improving the situation of children. The Commission had also decided to approve and implement in their entirety the recommendations on the rationalization of its work contained in the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112). It had further decided to appoint for a period of three years a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living (resolution 2000/9), a special rapporteur on the right to food (resolution 2000/10) and a special representative who would report on the situation of human rights defenders in all parts of the world and on possible means of enhancing their protection (resolution 2000/61). Lastly, the important discussions arising out of the preparatory process for the World Conference against Racism and the formation of the Bureau of the Preparatory Committee had highlighted the importance of the issue and the Commission's will to make the Preparatory Committee and the World Conference itself a success.

23. He had always been aware of the valuable human rights activity of the NGOs and their important role in the Commission and had tried regularly to meet and have dialogue with their representatives on the implications of some of the new approaches adopted on the basis of the reflections presented by the Chairman and Bureau of the fifty-fifth session on how NGOs could participate in the work of the Commission. The ideas expressed were the result of long consultations with the NGOs and were meant to make their participation more effective and to save some time. Some of the new procedures needed further analysis but positive results had already been seen. It was essential that a constructive dialogue should be initiated with NGOs and civil society for enhancing the partnership among Governments, international organizations and NGOs.

24. The session had also been characterized by other highlights, including, first and foremost, the address by the Secretary-General, who had reiterated that the Commission on Human Rights was among the most important organs of the United Nations system and had made another appeal for the universal ratification and implementation of the two Covenants as well as the principal international human rights instruments. The special dialogue on poverty and the enjoyment of human rights had highlighted the fact that poverty was a serious denial of human dignity and human rights but that the world did have the physical and human resources necessary to end it. That dialogue along with the adoption of the resolution on the right to development reflected the collective determination of the international community to promote social progress and better standards of life in greater freedom and to employ international mechanisms for the promotion of economic, social and cultural rights. The importance attached to the work of the Commission could also be seen in the extremely high number of dignitaries - 64 - who had addressed the Commission during the session.

25. He wished to express his deep appreciation to the members of the Bureau and all the coordinators of regional groups who had helped him greatly in his work. The past six weeks had

also given him an opportunity to observe the dedication with which Ms. Mary Robinson, the High Commissioner for Human Rights, performed her duties and he thanked her for her appeal on behalf of the victims of the drought in the Horn of Africa. He also wished to thank the Deputy High Commissioner, Mr. Ramcharan, the Secretary of the Commission and her Deputy and all the staff of the Office of the High Commissioner for Human Rights, Conference Services and the press. He had a special tribute to pay to Ms. Wilma Gibson, the Conference Officer, on the occasion of her retirement; she had rendered great services to the Commission for years and her affability, competence and efficiency would be missed by everyone. He expressed his appreciation to the representatives and special rapporteurs and to the independent experts who rendered great service to the international community. Lastly, he sincerely thanked all the delegations, in particular the delegation of Nepal, for their support and cooperation.

26. The international community should continue its action on behalf of human rights, in particular through a practical approach to extreme poverty, making conflict prevention and resolution a priority area in the context of efforts for the promotion and protection of human rights and prevention of their violation. It should also ask itself whether instruments designed primarily to protect citizens from violations of their rights by the State responded to the emerging reality of declining State and growing non-State influence on society and people. The Commission's deliberations could become more meaningful if every State adopted the approach of introspection and self-appraisal rather than that of blaming others. There was a need for the worst forms of human rights violations to be identified and denounced to the Commission - not by one country or countries banding against another, but through a more universally accepted international mechanism.

27. In the same way as the new technologies made it possible to improve communication and understanding between societies and peoples, the Commission could be an international forum for communication, dialogue and cooperation if its decisions, both favourable and critical, were respected. Wherever and whenever there was a serious infringement of the dignity and rights of human beings, the Commission had to take a stand. At its fifty-sixth session it had proved that the human family was moving forward slowly but surely on its way to building a global society in which there would gradually be greater freedom from fear and want for everyone.

28. After an exchange of courtesies and thanks by the regional groups, the CHAIRMAN declared the fifty-sixth session of the Commission on Human Rights closed.

The meeting rose at 4.45 p.m.